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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1906.

No. ~~[illegible]~~ 14.

JAMES BUCK, TRUSTEE UNDER THE WILL OF JOB M. NASH, DECEASED, PLAINTIFF IN ERROR,

vs.

WILLIAM E. BEACH, TREASURER OF TIPPECANOE COUNTY, INDIANA.

IN ERROR TO THE SUPREME COURT OF THE STATE OF INDIANA.

FILED FEBRUARY 15, 1905.

(19,631.)

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vs.

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1 THE STATE OF INDIANA:

In the Supreme Court.

Be it remembered, that heretofore, to-wit: on the 21st day of March, 1903, the same being the 102nd judicial day of the November 1902 term of said court, James Buck, trustee of a trust created by the will of Job M. Nash, deceased, by Byron W. Langdon, his counsel, filed in the office of the clerk of the supreme court of the State of Indiana, a transcript of the record and proceedings of the Warren circuit court of said State, in a cause wherein William E. Beach, treasurer of Tippecanoe county, Indiana, was plaintiff, and the said James Buck, trustee under the will of Job M. Nash, deceased, was defendant, together with an assignment of errors endorsed thereon, which transcript was a term appeal, and said transcript and assignment of errors are in the words and figures following, to-wit:

2 Pleas held before the Honorable Joseph N. Rabb, sole judge of the Warren circuit court of Warren county in the State of Indiana, and at the November term thereof, for the year 1902, to-wit:

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. } No. 5833.

Be it remembered that heretofore to-wit:—on the 16th day of February, 1897, the parties by their attorneys in the above entitled cause, caused a transcript and accompanying papers to be filed in the above entitled cause in the office of the clerk of the Warren circuit court of Warren county, Indiana which said transcript reads in the words and figures following towit:—

Pleas held before the Honorable William C. L. Taylor, sole judge of the Tippecanoe circuit court in the State of Indiana, and at the January term thereof, in the year of our Lord, one thousand eight hundred and ninety-seven, to-wit:—

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } Complaint.

Be it remembered, that heretofore, to-wit:—at a term of the Tippecanoe circuit court in the State of Indiana, began and held at the court house in the city of Lafayette, Indiana, on Monday, January

4, 1897, the said day being the first Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable William C. L. Taylor, sole judge thereof, the following proceedings were had in the above entitled
3 cause and entered of record upon the order book of said court on the days and dates indicated as follows, to-wit:—

Friday, January 8, 1897, 5th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} 5393. Complaint.

Comes the plaintiff by Will R. Wood and John M. La Rue his attorneys and files his complaint duly verified which complaint reads as follows:

STATE OF INDIANA, Tippecanoe County, } *ss:*

In the Circuit Court, to January Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.

Henry A. Miller plaintiff in this suit complains of James Buck and says that said plaintiff is the treasurer of the county of Tippecanoe in the State of Indiana.

That upon the tax duplicate of said county and on the tax duplicate of said county for the city of Lafayette there are unpaid taxes against the estate of Job N. Nash which taxes were assessed in the year 1894 on personal property of said Nash which he had omitted to return for taxation, in his schedules for the years, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, and 1893.

That said assessment was made after due notice to the executors of said Nash he having died in July, 1893, and after the said auditor having heard testimony as to such omitted property and
4 made a finding as to what items of property had been omitted and the value of said items. That said Nash's will was duly probated in the State of Ohio and his executors appointed then and there qualified.

That said executors have hitherto failed to pay said taxes which now including penalty and interest amount to the sum of ($115,-150.69) at this date and one William A. Goodman the sole surviving executor of the last will of said Job M. Nash, deceased, has been actively both as executor of said estate and as one of the trustees of said Nash resisting the collection of said taxes.

That by the terms of the last will of said Nash he gave to James Buck the defendant herein and to William A. Goodman one of his executors and to the survivor and successors of them the sum of two hundred and sixty-eight thousand dollars in trust to be invested by said defendants in good productive personal property or securities by first mortgage on real estate and — the net income arising therefrom, the said trustees were directed to pay the several persons named in the last will according to the terms thereof; and providing the trust should cease upon the death of certain persons named in the will, when the principal of said trust should be paid to others.

And said defendant Buck, who then and there has ever since resided in the city of Lafayette in said county of Tippecanoe, and said Goodman accepted said trust and in the year 1894 the executors delivered to said trustees notes secured by mortgages, money and other choses in action of the value of ($268,000.00) for and on account of said trust fund, and said trust is still continuing, and the property of said fund has ever since been and is still kept in the hands of
said defendant Buck in said city and county and has been by
6 him collected, reinvested or renewed as the securities become
due and the profits accounted for as required by said will unless a part thereof has already been removed.

That on the eleventh day of August, 1895 said defendant Buck and said Goodman as trustees as aforesaid filed their complaint in the Tippecanoe circuit court of the State of Indiana in which they sought to enjoin this plaintiff as treasurer from collecting the taxes hereinbefore mentioned upon which complaint such proceedings were had that the said court sustained this plaintiff's demurrer to said complaint and gave judgment for this plaintiff on such demurrer, and said Buck and Goodman appealed from the decision of said court to the supreme court of the State of Indiana which court recently affirmed the judgment of said circuit court and held that the estate of Nash was liable to pay said taxes.

That the executors of said Nash removed the personal property from the said State of Indiana except said property so transferred to said trust as aforesaid which property is still in said estate in the hands of and under control of said defendant Buck, unless a part thereof has been removed by persons unknown and this plaintiff cannot find any other personal property in said State of Indiana on which to levy for the collection of said taxes or any part thereof.

That said Buck has now in his hands the securities by him taken and held in said trust amounting to the said sum of ($280,000.00) unless a part thereof has been removed, but the items of said trust property this plaintiff cannot give as the same has been changed by said Buck in reinvesting as he is informed.

That persons interested in said trust for the purpose of
6 avoiding the payment of said taxes are threatening to remove said trust property from the State of Indiana, and said

Buck unless restrained will comply with the wishes of said persons and remove said trust property from said State.

And the plaintiff alleges that an emergency exists for an immediate order restraining said Buck from removing or suffering to be removed said trust fund from the State of Indiana, and the plaintiff fear- that said property will be removed before a hearing can be had for a temporary injunction in this cause if such restraining order is not granted.

Said taxes are now delinquent on the proper duplicate which is in the said plaintiff's hands and on the 7th day of January, 1897, said plaintiff demanded the payment of said taxes of said defendant Buck and upon his refusal to pay the same demanded from him, the trust property in his hands arising from the will of said Nash, for the purpose of levying on the same to satisfy said taxes and said defendant refused to turn over to said plaintiff said trust property saying that he would not do so.

Wherefore plaintiff prays that he have judgment that said defendant be required to disclose and describe the trust property in his control and that said trust property be turned over to him as such treasurer to be by him disposed of under the statute in such cases provided to pay said taxes and that said defendant Buck be enjoined from removing said property from the county of Tippecanoe and State of Indiana and for all other proper relief.

WILL R. WOOD AND
JNO. M. LA RUE,
For Plaintiffs.

7 STATE OF INDIANA, }
Tippecanoe County, } ss:

Before me David H. Flynn, clerk of the Tippecanoe circuit court for said county and State, personally appeared Henry A. Miller who being first duly sworn upon his oath says that he is the plaintiff in the above entitled cause and that the facts above set forth in his complaint are true as he is informed and believes.

HENRY A. MILLER, Treasurer.

Subscribed and sworn to before me this 8th day of January 1897.

D. H. FLYNN, Clerk.

And said plaintiff now moves the court for a restraining order in this cause restraining the said defendant James Buck from removing any and all property, securities, choses in action, and money in his hands arising from trust property received by him as trustee under the will of Job. M. Nash deceased, from the said county of Tippecanoe in the State of Indiana, which motion the court now grants. And said James Buck is hereby restrained from removing from the county of Tippecanoe, Indiana, any and all property, securities, choses in ac-

tion and money in his hands arising from trust property received by him as trustee under the will of Job M. Nash, deceased, until Monday morning January 11, 1897, at 10:00 o'clock a. m., and until the further order of the court. And the court now orders that notice of this restraining order be served upon said defendant according to law and also that summons issue upon the complaint herein made returnable as per precipe endorsed for same; and day is given.

8 HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, *vs.* JAMES BUCK, Trustee. } 5393. Complaint.

Comes plaintiff by Wood and La Rue his attorneys and shows to the court that his undertaking was filed in *in* this cause at the time of taking his order for a restraining order against the defendant, with David H. Flynn as surety, which was approved by the court, but it is not embodied in the original order, which bond reads as follows:

STATE OF INDIANA, Tippecanoe County, } *ss*:

Bond.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, *vs.* JAMES BUCK.

We undertake that the plaintiff in this cause will pay to the defendant all damages and costs which may accrue to him by reason of the injunction in this action.

Witness our hands this 8th day of January, 1897.

HENRY A. MILLER.
DAVID H. FLYNN.

It is ordered that this order be entered now for then.

It is further ordered by consent of the plaintiff that nothing in the restraining order in this cause shall be construed to prevent the defendant from distributing to the beneficiaries in the trust the current profits of the trust property in his hands, so that the principal of the trust is preserved in the hands of the defendant; and day is given.

Monday, January 11, 1897, 7th Day.

9 HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, *vs.* JAMES BUCK, Trustee. } 5393. Complaint, &c.

Comes the plaintiff by his attorneys and now files interrogatories with his complaint herein, which reads in these words to-wit:—

THE STATE OF INDIANA, Tippecanoe County, } *ss:*

Tippecanoe Circuit Court, January Term, 1897.

HENRY A. MILLER, *Trustee*, *vs.* JAMES BUCK, Trustee.

The plaintiff requests the court to require the defendant James Buck to answer the following interrogatories under oath.

1. What amount of property, choses in action and money have you under your control or in your possession belonging to the trust fund mentioned in the complaint in this cause.

2. State the item- of which sum is composed, giving dates of maturity, payor and payee of each, and when due as to each.

WILL R. WOOD,
J. M. LA RUE,
For Plaintiff.

And now also files notice to the defendant and acknowledgement of service thereof signed by said defendant, of plaintiff's motion for a temporary restraining order and injunction as prayed for in his petition, which notice and acknowledgement of service thereof endorsed thereon reads as follows:

10 STATE OF INDIANA, Tippecanoe County, } *ss:*

Notice.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, *vs.* JAMES BUCK.

To James Buck:

You are hereby notified that the above named plaintiff on the 8th day of January, 1897, filed in the clerk's office of the Tippecanoe circuit court his complaint — of which is here attached and made part

of this notice, by which said plaintiff has appealed to said court for temporary restraining order and injunction, as prayed for in said petition, and that said court will hear said application on the 11th day of January, 1897, at the circuit court room for said county and State, when and where you may appear and show cause against said application, if you desire.

——— ———.

I hereby acknowledge service of the above notice and receipt of copy of plaintiff's complaint this 8th day of January, 1897.

JAMES BUCK.

And said plaintiff now files the affidavits of James H. Mitchell treasurer of the city of Lafayette, H. H. Cheney, deputy treasurer of Tippecanoe county, and William R. Wood, in support of his said motion for a temporary injunction herein, which affidavits read as follows:

STATE OF INDIANA, } ss:
Tippecanoe County, }

11 In the Circuit Court to January Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

James H. Mitchell being first duly sworn upon his oath says that he is and was on the 7th day of January, 1897, treasurer of the city of Lafayette, in the county of Tippecanoe, in the State of Indiana, duly qualified and acting as such.

That on said day he as such treasurer went to the place of business of the defendant Buck during business hours to-wit, about 8.30 a. m. of said day and demanded payment of the taxes now due and delinquent against the estate of Job M. Nash, deceased, amounting to $87,411.51.

That he was prepared to receipt for the same at once but said Buck refused to pay the same and he thereupon demanded of said Buck all property, choses in action or money in his hands derived in the estate of Job M. Nash, deceased, and he thereupon refused to give up such property; and afterward said Buck said "I am an officer of the court of Cincinnati, Ohio, and if they order me to bring the securities I hold, then I will obey."

JAMES H. MITCHELL.

Subscribed and sworn to before me this 11th day of January, 1897.

A. B. YOPAT,
Recorder of Tippecanoe County.

STATE OF INDIANA, }
Tippecanoe County, } ss:

In the Circuit Court to January Term, 1897.

12 HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.

H. H. Cheney being first duly sworn upon his oath says, that he is and was on the 7th day of January, 1897, deputy treasurer of the county of Tippecanoe, in the State of Indiana, appointed by Henry A. Miller who then and now is the treasurer of said county duly qualified and acting as such.

That on said day he as such deputy treasurer went to the place of business of the defendant Buck, during business hours to-wit: about 8.30 o'clock a. m. of said day and demanded payment of the taxes now due and delinquent against the estate of Job M. Nash, deceased, amounting to $115,150.69.

That he was prepared to receipt for the same at once but said Buck absolutely refused to pay the same and I thereupon demanded of said Buck all property, choses in action or money in — hands derived from the estate of Job M. Nash, deceased and he thereupon refused to give up any such property, and afterward said Buck said, "I have securities in my possession belonging to the estate of Job M: Nash amounting to $168,000.00 and I am going to try to keep them there," I then demanded him to produce that property for levy and he said "I refuse to do so he further said that "if I am ordered by the probate court of Cincinnati, Ohio to send the property in my possession to it at *noon to-day* I will have to do so or else be in contempt of court and lat myself liable to be placed in jail if I refuse to obey such orders."

H. H. CHENEY.

Subscribed and sworn to before me this 9th day of January,
13 1897.

DAVID H. FLYNN,
Clerk Circuit Court.

STATE OF INDIANA, }
Tippecanoe County, } ss:

In the Circuit Court to January Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.

Will R. Wood being duly sworn upon his oath says that he is one of the attorneys in the above entitled cause.

That James Buck and William A. Goodman of Cincinnati, Ohio,

were appointed trustees under the will of Job M. Nash, by the probate court of Hamilton county, Ohio.

That said Goodman resides in Cincinnati and has been active in endeavoring to defeat the collection of the taxes due from said estate to Tippecanoe county, Indiana,

That he has not only employed local counsel to aid him in said project but that he has had attorneys from Cincinnati here gathering pretended facts for such purpose as I am informed and believe. I seeing such attorneys from Cincinnati myself, here on or about the first of January of the present year.

I am further informed that an offer has been made to pay the current taxes due to the city of La Fayette upon the share of said trust property that belongs to the resident heirs but refusing to pay taxes on all such parts of such trust property that belongs to non-resident heirs and which trust property to-wit: $168,000.00 is in the hands of said Buck the local trustee.

That from the above and other information and facts I
14 believe that it is the purpose of said William A. Goodman the non-resident trustee to obtain an order from the said probate court of Hamilton county, Ohio, for the removal of said trust property beyond the jurisdiction of the State of Indiana.

WILLIAM R. WOOD.

Subscribed and sworn to before me this 9th day of January, 1897.

SCHUYLER C. MARKS,
Notary Public.

And the defendant now files the following demurrer to the complaint herein, to-wit:

STATE OF INDIANA, } ss:
Tippecanoe County, }

In the Circuit Court, January Term, 1897.

HENRY A. MILLER, Treasurer, }
vs.
JAMES BUCK, Trustee, Defendant. }

The defendant demurs to the complaint upon the following ground.

1st. The complaint does not state facts sufficient to constitute a cause of action.

2nd. The court has no jurisdiction of the person of the defendant.

3rd. That there is a defect of parties defendant in this: William A. Goodman is a necessary party defendant and should be joined.

LANGDON & COFFROTH,
For Defendant.

And day is given.

Saturday, January 16th, 1897, 12th Day.

15 HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, vs. JAMES BUCK, Trustee. } 5393. Complaint, &

Come the parties by their attorneys and the court being fully a vised and satisfied in the premises does now overrule the defendant demurrer to the complaint herein, to which ruling of the court th defendant excepts; and day is given.

Tuesday, January 19, 1897, 14th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, vs. JAMES BUCK, Trustee. } 5393. Complaint, &

Come the parties by their attorneys and the defendant now move the court for a change of the venue of this cause from this county and files his personal affidavit in support of said motion reading a follows:

STATE OF INDIANA, Tippecanoe County, } ss:

In the Circuit Court to the January Term, 1897.

HENRY A MILLER, Treasurer, vs. JAMES BUCK, Trustee.

James Buck being duly sworn, says that he is the defendant i the above entitled cause, and that he cannot have a fair and im partial trial thereof in the county of Tippecanoe for the reason:

1. That the plaintiff has an undue influence over the citizens o said county.

Wherefore he asks that the venue of said cause be changed t some other county.

16 JAMES BUCK.

Subscribed and sworn to this 19th day of January 1897.

W. R. COFFROTH, Notary Public.

And the defendant also now moves the court for a change of th venue of this cause to some other judge, and files his personal affi davit in support of said motion reading as follows:

STATE OF INDIANA, } ss:
Tippecanoe County, }

In the Circuit Court to the January Term, 1897.

HENRY A MILLER, Treasurer, }
vs.
JAMES BUCK, Trustee. }

James Buck being duly sworn says that he is the defendant in the above entitled cause and that he cannot have a fair and impartial trial before the Honorable William C. L. Taylor, judge of the Tippecanoe circuit court, for the following reason :—

1. On account of the bias and prejudice of said judge against the said defendant which bias and prejudice this affiant says exists.

Wherefore he asks that the venue of this cause be changed to some other judge.

JAMES BUCK.

Subscribed and sworn to this 19th day of January, 1897.
W. R. COFFROTH,
Notary Public.

And day is given.

Thursday, February 4, 1897, 28th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, } 5393. Complaint.
17
vs.
JAMES BUCK, Trustee.

Come the parties by their attorneys and by agreement of parties the court does now order, adjudge and decree that the venue of this cause be changed to the Warren circuit court of Warren county, Indiana, costs of change to be paid within fifteen days from this date by the defendant.

THE STATE OF INDIANA, } ss:
Tippecanoe County, }

I, David H. Flynn, clerk of the Tippecanoe circuit court in the State of Indiana, by virtue of my office custodian of the records and seal pertaining to the said court, do hereby certify the above and foregoing transcript to be a full, true and complete copy of all proceedings had and entered of record upon the order book of said court now on file remaining in my office and in my custody.

In witness whereof, I have hereunto set my hand and affixed the seal of said court at office in the city of La Fayette, Indiana, on this 13th day of February, A. D. 1897.

DAVID H. FLYNN, Clerk.
WALTER M. RAMSEY, Deputy.

And thereupon said cause was placed upon the bench dock
said court as an action therein pending.

Be it further remembered that afterwards to-wit: At a term o
Warren circuit court of Warren county in the State of Indiana
gan and held at the court house in the town of Williamsport
diana, on Monday March 8th, 1897, the same being the se
Monday in the said month and being the time fixed by law for
holding of a term of said court before the Honorable Jo
18 N. Rabb, sole judge thereof, the following further proceed
were had in the said entitled cause entered of record
the order book of said court on the days and dates herein indic
as follows, to-wit:

Saturday, April 3rd, 1897, 24th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5

Comes the parties by their attorneys and on motion this cau
continued.

Be it further remembered that afterwards to-wit: At a term of
Warren circuit court of Warren county, Indiana, began and hel
the court house in the town of Williamsport, Indiana, on Mon
May 24th, 1897, the same being the fourth Monday in the
month and being the time fixed by law for the holding of a ter
said court and before the Honorable Joseph N. Rabb, sole ju
thereof, the following further proceedings were had in the said
titled cause and entered of record upon the order book of said c
on the days and dates herein indicated as follows, to-wit:

Saturday, June 19th, 1897, 24th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5

Ordered by the court that this cause be and the same is her
continued by the agreement of the parties.

Be it further remembered that afterwards to-wit: At a term of
Warren circuit court of Warren county, in the State of Indiana,
gan and held at the court house in the town of Williamsp
19 Indiana, on Monday, October 11th, 1897, the same being
second Monday in the said month and being the time fi
by law for the holding of a term of said court before the Honora
Joseph N. Rabb, sole judge thereof, the following further proce

ings were had in the said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to-wit:

Monday, October 11th, 1897, 1st Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, *vs.* JAMES BUCK, Trustee. } No. 5833.

Comes the parties by their attorneys and on motion defendant is ruled to file answer herein by 9 o'clock of the ninth day of this term of court and day is given.

Friday, October 22nd, 1897, 11th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, *vs.* JAMES BUCK, Trustee. } No. 5833.

Comes the plaintiff by Wood and La Rue his attorneys and comes also said defendant by Langdon and Coffroth and Harris his attorneys and defendant on motion files his demurrer to the supplemental complaint herein in these words.

STATE OF INDIANA, Tippecanoe County, } *ss*:

In the Circuit Court, October, 1897.

HENRY A. MILLER, Treasurer, *vs.* JAMES BUCK, Trustee. } Demur to Supplemental Complaint.

20 The defendant demurs to the supplemental complaint filed May 25th, 1897 on the following grounds.

1st. That said complaint does not state facts sufficient to constitute a cause of action.

2nd. The court has no jurisdiction of the defendant.

3rd. That there is a defect of parties defendant in this: William A. Goodman is a necessary party defendant and should be joined.

LANGDON & COFFROTH,
For the Defendant.

which demur- the court does now overrule, to which overruling of the court said defendant by counsel excepts and defendant on motion now files his answer to the complaint herein in five paragraphs, reading in these words.

STATE OF INDIANA, } ss:
Warren County, }

In the Warren Circuit Court to the October Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, }
vs.
JAMES BUCK, Trustee. }

The defendant for answer to the complaint says:

Par. 1. He denies each and every allegation therein contained.

Par. 2. That said taxes are fully paid.

Par. 3. That said Henry A. Miller is now and he has been for more than four years last past the treasurer of Tippecanoe county in the State of Indiana. That Job M. Nash died on the 19th day of July, 1893 in the State of New York leaving his last will, a copy of which is made a part hereof and is in the words and figures following:

21 I, Job M. Nash of the city of New York, being of sound and disposing mind and memory, do hereby make and publish this my last will and testament hereby revoking and annulling all other wills and codicils heretofore made.

Item 1. I give and bequeath to James Buck of La Fayette, Ind. and William A. Goodman of Cincinnati, Ohio, and to the survivor and successors of them the sum of two hundred and sixty-eight thousand dollars in trust never-the-less, to be invested by them in good productive personal property or secured by first mortgage upon good productive real estate, and the net income thereof to be paid semi-annually by them or the survivors or the successors of them as follows to-wit:—The net income of one hundred thousand dollars of said sum to be paid to my wife, Frances V. Nash, during her natural life, and at her death such net income as may in the future accrue thereon together with any portion of such income as may have accrued thereon, and not paid to her, shall be paid so long as this trust lasts to my sisters Mary E. Wood, Caroline L. Nash, and my nieces Charlotte G. Bushnell and Mary E. Andress or to such of them as may be alive at the time of my wife's death, share and share alike, but if either of my said nieces shall have died, and shall have left a child or children, or their descendants, such child or children, or their descendants shall take their parents' share. To my sister Mary E. Wood the net income of twenty-five thousand dollars of said sum during her natural life, and at her death such net income as may in future accrue thereon so long as this trust shall last together with any income which shall have accrued thereon and not paid over to her shall be paid to her daughter Mary E. Andress, and if she shall have died before my said sister and shall have left children or their descendants then such children or their de-

22 scendants shall take their parents' share. To my sister Caroline L. Nash, the net income on twenty-five thousand dollars

of said sum during her natural life, and at her death such income as may in future accrue thereon so long as this trust shall last together with any interest which may have accrued thereon and not paid over to her shall be paid to my nieces Charlotte G. Bushnell and Mary E. Andress or the survivor of them, share and share alike, and if either of said nieces shall have died before my said sister and shall have left a child or children or their decedents, then such child or children or decedents shall take their parents' share. To my niece Mary E. Andres the net income on twenty-five thousand dollars, during her natural life, or if she be dead at the time of my death, then said net income shall be paid to the child or children surviving her, the said Mary E. Andress. To my niece Charlotte G. Bushnell the net income on twenty-five thousand dollars of said sum during her natural life, and at her death to her child or children or their decedents, if any, but if she should die without child or children such net income shall be paid to my niece Mary E. Andress, or if she be dead at the time of my death, then to her child or children surviving her. To Ada Nash Wood, daughter of Thomas D. Wood the net income on twenty-five thousand dollars of said sum during her natural life and at her death the net income of said sum to be paid to Charlotte G. Bushnell and Mary E. Andress during their natural lives, share and share alike, but if either of them shall be dead, then said net income shall be paid to the survivor, and to the child or children of the one dead such child or children taking their parents' share. To James Buck and James Murdock of La Fayette, Ind., the net income on twenty-five thousand dollars in trust, never-the-less, and I direct that
23 the said James Buck and James Murdock who are hereby constituted trustees for that purpose to pay out of said net income to my nephew Jesse K. Wood in equal quarterly installments the sum of fifteen hundred dollars per annum during his natural life, and at his death I direct the said James Buck and James Murdock to return any portion of such income as they may have received, and which has not been paid to Jesse K. Wood during his lifetime, to my trustees James Buck and William Augustus Goodman, who shall then pay the net income of the said twenty-five thousand dollars and the net income of any sum returned to them by the said James Buck and James Murdock, trustees, to Charlotte G. Bushnell and Mary E. Andress during their natural lives share and share alike, and in the event of the death of either of them then to be paid to the survivor and to the child or children of the one dead, such child or children to take only their parents' share. To the children of Bem Scott, the net income of eight thousand dollars of said sum during their natural lives, share and share alike, then the principal to be paid to the heirs of such children. To the children of James Scott, the net income of ten thousand of said sum during their natural lives share and share alike, then the principal to be paid to the heirs of said children. And I hereby direct that my said trustee- James Buck and William Augustus Goodman shall

hold the one hundred bonds of one thousand dollars each called "The Cincinnati Houpital bonds," bearing 7-3/10 % interest per annum, interest payable semi-annually, which I now own (should I die possessed of them) as a fund, out of which they shall pay to my said wife, the net income on said one hundred thousand dol-ars herein provided for, so long as the same remain unredeemed. The trust hereby created shall continue so long as my said wife and
24 my sisters Mary E. Wood and Caroline L. Nash and the said Charlotte G. Bushnell, Mary E. Andress and Ada Nash Wood or either of them shall live. And upon the death of all the last aforesaid persons, then this trust shall cease and the said two hundred and fifty thousand dollars, together with all the undistributed accumulations thereon, shall be distributed as directed in item No. two of this my last will and testament. And this trust shall continue in the said trustees or the survivors or successors of them. And should my said trustees or either of them die, or resign or be disqualified, incompetent or unfit from any cause to act as such trustees during the existence of the trust herein and hereby created, I hereby request and authorize the judge of the circuit court of Tippecanoe county, in the State of Indiana, to designate the successor or successors of James Buck, and the probate court of Hamilton county, Ohio, to designate and appoint the successor or successors of William Augustus Goodman.

Item 2. When the said trust created in item 1. of this will shall cease, as herein provided for, then I direct said sum of two hundred and fifty thousand dollars together with all the undistributed accumulations thereon shall be distributed as follows, viz:

The half to the child or c-ildren (or their decedents) Charlotte G. Bushnell, and the one-half to the child or children (or to their decedents) of Mary E. Andress. If said Charlotte G. Bushnell or Mary E. Andress, shall die leaving no child or children or the decedents of such child or children surviving her, then such one-half portion shall go to the child or children of the survivor of them, the said Charlotte G. Bushnell and Mary E. Andress.

Item 3. I give and bequeath the sum of twenty-five thou-
25 sand dollars to my nephews and nieces, Orville J. Victor, Jacob N. Victor, George W. Victor, Mary V. Grimes, Matilda Victor, and Florence Victor (the children of my sister Gertrude H. Victor, deceased) or the survivors of them, share and share alike, but if any of them shall have died before my death and shall have left a child or children (or their decedents) such child or children shall take their parents' share.

Item 4. I give and bequeath the sum of twenty-five thousand dollars to my brother Thomas J. Nash, if alive, but if he should be dead at my decease, then I give and bequeath the same to his child or children then living, and the decedents of such as are dead. In each case the decedents of any of his children who may be dead shall take only the share their parents would have taken if alive.

Item 5. I give and bequeath to such of the children of Susan

Ellis of Muskingum county, Ohio, as shall be living at the time of my death, and to the decedents of such as are dead, the sum of ten thousand dollars. In each case the decedents of any of her children who may be dead, shall take only the share of their parents would have taken if alive.

Item 6. I give and bequeath the sum of ten thousand dollars to the children of my late niece Margaret A. Terry, and to the decedents of any of her children who may be dead. In each case the decedents of any of her children who may be dead shall take only the share their parents would have taken if alive.

Item 7. I give and bequeath the sum of ten thousand dollars to the children of Minerva Gorsuch and to the decedents of any of her children that may be dead. In that case the decedents of any of her children who may be dead shall take only the share their parents would have taken if alive.

26 Item 8. I give and bequeath the sum of ten thousand dollars to Debora Horton, Mary E. Horton, Abraham J. Horton, Smith Horton, Marvin Nash Horton, or to the survivors of them share and share alike.

Item 9. I give and bequeath the sum of one thousand dollars to George W. Nash, son of my brother George Nash.

Item 10. I give and bequeath to the wardens and vestrymen of St. Johns Protestant Episcopal Church of La Fayette, Ind. the sum of ten thousand dollars, in trust never-the-less, to be invested in good productive personal property or secured by first mortgage upon good productive real estate, and the net income thereof, shall be by them, semi-annually paid to the rector of said church. And this bequest is made upon the express condition that the sum hereby bequeathed shall never be diminished. And should said sum ever become diminished by loss or otherwise, then it shall be the duty of such corporation to make up such loss and upon failure to do so for a period of two years from the time the same shall have been ascertained, then this bequest shall cease, and the remaining portion shall vest in my sister Mary E. Wood, if living and if she be dead, in my nieces Mary E. Andress and her decedents.

Item 11. I give and bequeath the sum of ten thousand dollars to the McIntyre Children's Home of Zanesville, Ohio.

Item 12. I give and bequeath the sum of ten thousand dollars to the Good Samaritan Hospital of Cincinnati, Ohio formerly under the charge of Sister Anthony.

Item 13. I give and bequeath the sum of five thousand dollars to the Widows' Home at Ashland avenue and McMillan streets, Walnut Hills, Cincinnati, Ohio, and the sum of five thousand dollars to the Old Men's Home at Ashland avenue and McMillan street in Walnut Hills, Cincinnati Ohio.

27 Item 14. I give and bequeath the sum of ten thousand dollars to the Children's Home of Cincinnati, Ohio.

Item 15. I give and bequeath the sum of ten thousand dollars to

the Children's Hospital of the Protestant Episcopal Church of the Dioces- of southern Ohio.

Item 16. I give and bequeath the sum of ten thousand dollars to the Cincinnati Orphan Asylum, located at the southwest corner of Auburn avenue and Wellington Place, Mt. Auburn, Cincinnati, Ohio.

Item 17. I give and bequeath to William R. Coffroth and Besse Coffroth or to the survivor of them, children of my old friends John R. Coffroth, the sum of two thousand dollars, And in view of the long and intimate acquaintance between him and myself, I hereby direct my trustees and executors herein named to retain the said John R. Coffroth as their legal and confidential adviser.

Item 18. As a token of my respect I give and bequeath the sum of two thousand dollars to my young friend Thomas A. Stuart.

Item 19. I give and bequeath the sum of two thousand dollars to my friend James Buck.

Item 20. I give and bequeath the sum of five thousand dollars to my old friend William Augustus Goodman.

Item 21. I give and bequeath the sum of five thousand dollars to my old friend John R. Coffroth for the kind acts and favors done to me.

Item 22. I give and bequeath to my trustees and the survivors and successors of them, my iron box and iron safe and other office furniture belonging to me, in my office, to be used by them as such trustees and no longer.

Item 23. The provision herein made for my wife Frances V. Nash, I hereby declare to be in lieu of all her right, title and interest in my estate, either real or personal.

28 Item 24. I give and bequeath to my niece Mary E. Andress, my gold watch and chain for and during her natural life, and at her death to her eldest son then living, then to her eldest daughter then living. I give and bequeath my diamond pin to Hugh Coffroth Andress.

Item 25. I direct that I be buried where my children are buried, in the burial lot I now own at White Plains, New York.

Item 26. I give and bequeath to my friend John F. Follet and Thomas H. Kelly of Cincinnati, Ohio, the sum of five thousand dollars for their kind services and attention to me as old friends.

Item 27. I give and bequeath all the residue of my property of every kind and nature whatsoever and wheresoever situate, and not herein (or by my codicil hereafter) disposed of including all real estate in the State of Indiana or elsewhere to Charlotte G. Bushnell and Mary E. Andress, but if either of them should be dead at my decease and shall have left no child or children (then to the survivor of them and if either shall have died leaving a child or children) then such child or children shall take the parents' share.

Item 28. It is my will that in the event of any one or more of the legatees herein named instituting or causing to be instituted or counseling or aiding any proceedings or making any attempt what-

soever to set aside or annul the foregoing will or any of its provisions, such legatee or legatees shall be hereby deprived of any and all benefits of this will, and all provisions thereof in his, her or their favor shall be thereby rendered null and void, and all such bequests shall thereafter become a part of my residuary estate.

Item 29. I hereby nominate and appoint as the executors
29 of this my last will and testament, John R. Coffroth and Thomas A. Stuart of the city of La Fayette, Ind. and William Augustus Goodman of Cincinnati, Ohio.

Item 30. Having the most implicit confidence in the honesty and integrity of the executors herein named, and believing that they will faithfully and honestly discharge the duties herein imposed upon them, I hereby direct that said executors shall not be required to give any bond except as a mere form of law and solely in that view, they each shall execute a bond with surety, in the sum of one thousand dollars and no more. And I also hereby direct that the trustees herein named shall not be required to give bond.

Item 31. I leave to the judgment and discretion of the court in which my estate shall be settled the matter of fixing the compensation for the services which shall be rendered from time to time by the executors and trustees herein named.

Item 32. I give and bequeath the sum of ten thousand dollars to the trustees of Kenyon college, located at Gambier in the State of Ohio, to be by them invested in good productive personal securities or in first mortgages on improved real estate, and the income thereof shall constitute what shall be known as the Nash scholarship, and so much thereof as shall be necessary shall be bestowed upon such worthy but needy student then in college, as shall be selected by the board of trustees in defraying his tuition and living expenses. I further direct that any residue of said income not needed for the tuition and living expenses of such student shall be invested in the same manner as the principal, and when the income of such annual accumulations is sufficient to support another student, then I desire
and it is my will, that such additional income be applied for
30 that purpose.

In testimony whereof I have hereunto set my hand and seal this twenty-third day of July one thousand eight hundred and ninety one.

JOB M. NASH. (SEAL.)

Signed, sealed and published by the said Job. M. Nash to be his last will and testament on this twenty-third day of July one thousand eight hundred and ninety one, in our presence who at the request of said Job M. Nash, and in his presence and in the presence of each other have hereunto subscribed our names as witnesses thereto.

ERNST REHM,
Cincinnati, Ohio.
HOWARD A. SUTTON,
Wyoming, Ohio.

That said Nash was at the time of his death and he has been continuously for more than fifteen years before said time a citizen of and domiciled in the State of New York and a citizen of the United States, and at no time during the years 1880 to 1893 both inclusive was he an inhabitant or citizen of the State of Indiana. That the said William A. Goodman mentioned in said will was before and at the time of the making of said will and ever since has been and is still a citizen of the United States and of the State of Ohio; that the said John R. Coffroth named in said will died July 21st 1895 and he was at the time of the execution of the said will and he continued to be until his death a citizen of the United States and of the State of Indiana and this defendant is now and he has been for more than twenty years last past a citizen of the United States and of the State of Indiana.

That said will was admitted to probate August 1st 1893 in and by the probate court of Hamilton county in the State of Ohio and
31 there has been no original or secondary*ary* probate of said will in any other State or country. That on the 1st day of August 1893, John R. Coffroth and William A. Goodman who were nominated as executors of said last will, were duly qualified by said probate court as executors thereof, and afterwards on the — day of —— 1895 a final settlement of said estate of said Nash was allowed and declared by the judgment of said probate court, and there is not nor has there been any other administration of said estate or any part of it in any other State or country. That all and every of the Ohio notes, foreign bonds and stocks assessed for taxes by the auditor as hereinafter alleged and which were in the State of Indiana, were transferred to Cincinnati Ohio and there delivered August 9th, 1893 to the said Goodman, executor as aforesaid and not otherwise and they were not or was either of them ever after August 9th, 1893, returned to or in the State of Indiana. That on the day last aforesaid all the Indiana notes assessed by the said auditor as hereinafter alleged and then unpaid were delivered to the said John R. Coffroth one of said executors.

The defendant further says that by the terms of said will the said testator gave this defendant and William A. Goodman as trustees, $268,000 in trust to invest and pay the net income therefrom to the beneficiaries in item one of said will named; and that the said trust should continue until the death of certain of said beneficiaries and said trust is still continuing. That this defendant and said Goodman were duly qualified as such trustees by the judgment of the probate court of said Hamilton county on the 1st day of August 1893 and they are still such trustees. That for the purpose of constituting said trust fund the said executors on the — day of ——
32 1894 in the city of Cincinnati in the State of Ohio paid in cash $54.89 and assigned and delivered to said trustees $190,184.16 of said bonds, $34,495.40 of said Ohio promissory notes and $43,265.58 of said Indian promissory notes, in all $268,000.

That said Ohio notes were secured by mortgages on lands wholly

Ohio, and said Indiana notes were secured by mortgages on lands clusively in Indiana, and all of said bonds, notes and mortgages ere payable to said Nash or his order.

That all of said bonds were executed by corporations organized der the laws of the State of Ohio or Kentucky and were payable the city of Cincinnati. The defendant further says that said bonds ere not nor were any of them at any time whatever in the State of diana. Nor were they nor was either of them at any time ever in used in or about any business in the State of Indiana. The de- dant says the names of the makers of said bonds so received by d trustees and the principal thereof are as follows:

ncinnati Hospital bonds	$100,000
ewport water works	20,000
ncinnati Inclined Plain R. R.	33,000
Cov. & Cincinnati St. R. R.	21,000

That all of said bonds were included in the assessment made by e auditor of Tippecanoe county hereinafter shown, for each of the ars 1881 to 1893 both inclusive.

That the said Ohio notes and mortgages for $34,495.40 were exe- ted by citizens and inhabitants of Ohio and were all payable in d Cincinnati, and the makers and dates and amounts thereof e:—

y	2 1884.	Louis Cook Mfg. Co	$12500
c.	1 1884.	Huntington J. C	$5000
c.	1 1884.	" "	5000
y	22 1888.	Starbuck Alex	4500
	" 1890.	" "	1500
	13 1893.	" "	3500
ne	19 1891.	U. S. Bung Mfg. Co	2000

The defendant further says that said Ohio notes were kept on de- it in the city of Lafayette and merely for convenience and safety d not otherwise, and they were not nor was either of them at any e whatsoever invested, assigned, transferred, pledged or used in for any business in any form or manner whatever in the State of liana, or any other State; that every payment of or on account of d notes and each of them was made in the State of Ohio and all money so paid was deposited, to the credit of said Nash in, and ot in Ohio. That said Ohio notes embraced in the assessment by said auditor hereinafter shown.

That the said Indiana notes and mortgages for $43,263.58 were cuted by inhabitants of the State of Indiana and were all payable Indiana. The names of the makers, the dates and the principal hem respectively are as follows:

Ducharm Francis Nov. 25 1892		$2250.00
Greensburg John Feb. 23 1892		5000.00
Vaughn Patrick O. Oct. 22 1892		1666.12
Shankland David Oct. 1 1891		3200.00
Bearce Margaret March 10 1893		1800.00
Earl Adams August 29 1883		5000.00
" " Nov. 25 1885		6000.00
Cassidy John Jan. 31 1893		1500.00
Turner Chas. Oct. 20 1891		750.00
Miller Geo. W. Oct. 1 1892		800.00
34 Johnson J. P. O. March 1 1892		550.00
Meeks Susan Jan. 13 1892		1007.16
Fowler Minerva Oct. 15 1885		12550.00

The defendant says said Indiana notes so transferred to said trustees were kept in Indiana for safety, convenience and collection and all collections of money made thereon were deposited in Lafayette and there kept subject to the order of said Nash. That the said Indiana notes were not nor were either of them ever at any time invested, assigned, transferred, pledged or used in any or for any business in any form or manner whatever in the State of Indiana or any other State during the lifetime of said Nash. That said trustees have never had nor has either of them ever had or received any other cash bonds, notes or other property that ever belonged to said Nash or his estate than said cash bonds, notes and mortgages delivered and paid to them as aforesaid.

That all the real estate chattels or tangible personal property of which the said Nash was the owner in the State of — prior to the time of his death was duly entered for taxation on the proper tax duplicate and assessed for taxes, and all the taxes were duly paid in full according to law and there is no tax unpaid on account thereof or any of it.

That said executors duly returned in Tippecanoe county a true and complete list of all notes choses in action executed by or due from any person or corporation resident in or a citizen of the State of Indiana belonging to the estate of said Nash, and of all mortgages of said estate on any lands in Indiana and of all other personal property whatever of said estate in the State of Indiana and
35 the said executors paid in full according to law all taxes assessed thereon, and there is no tax unpaid on account thereof.

That the said trustees have returned full true and complete lists in Tippecanoe county for each and every year since the transfer of said trust property to them, of all notes mortgages or other choses in action belonging to said trust and owing from or executed by any inhabitant citizen or corporation of the State of Indiana and of all other personal property in or invested in any way in the State of Indiana, and all taxes assessed thereon have been paid and there are no taxes unpaid on account thereof. That said trustees have

not nor have they nor has said trustees ever had or owned any real estate.

The defendant further says that said trustees have not made any return for taxation in Indiana of any bonds, notes, mortgages, not on lands in Indiana or other choses in action of said trust payable or executed by person, persons or corporations who were not inhabitants or citizens of Indiana, nor of any tangible personal property of said trust not situate or located in Indiana. (The defendant further says that the said trustees have not nor has either of them at any time engaged in or transacted any business in the State last aforesaid except to loan a part of said trust funds according to and for the purpose of said will.)

The defendant further says that since the constitution of said trust all and every note, bond, mortgage or other security or choses in action of said trust payable or executed by a citizen of Ohio or any other State than the State of Indiana have never been nor has either of them at any time been deposited or kept in the State of Indiana nor have they or either of them been pledged, in-
36 vested, transferred or assigned or in any way used in business in Indiana, that they have been and each of them has been at all times deposited and kept in Cincinnati, Ohio by the said Goodman, trustee as aforesaid.

The defendant further says that on the — day — April, 1895, George A. Jamison who was then and still is the auditor of said Tippecanoe county prepared written notices addressed to John R. Coffroth and William A. Goodman executors as aforesaid and James Buck one of said trustees as aforesaid and served one of said notices on the said Goodman in the State of Ohio and one on the said Coffroth and another on the said Buck in said city of Lafayette and in each of said notices informed the said executors and said trustees that he as said auditor would assess them with and place against them on the proper tax duplicate of said Tippecanoe county according to section 8662 of the revised statutes of Indiana certain specified personal property for each of the years 1881 to 1893 both inclusive for the reason that said property was owned by said Job M. Nash in his life time and said property had not been returned for taxation and had been omitted from the tax duplicate and that the same was taxable in said county of Tippecanoe.

That all of said alleged omitted property consisted exclusively of stocks, bonds and promissory notes and mortgages securing said notes and they were itemized and separately described in said notices for each of said years in which any of them were alleged to have been omitted.

That afterwards on the 7th day of May 1895 said auditor placed any and all of said property on the said tax duplicate for each of said years in which the same was alleged to have been omitted, and the said auditor in so doing adjudged and determined that
37 the value of each of said notes with the mortgage securing it and each of said bonds was of the cash value of each dollar

of the unpaid principal of each of said notes and bonds and that the cash value of said stock was the face or par value thereof and said auditor made and entered on said tax duplicate his said assessment of said property on said basis and value for each of said years, and thereupon said auditor computed and extended the taxes on said assessment on said tax duplicate for each of said years 1881 to 1893 both inclusive in these words and figures:

Owner's name.	Year.	Chattels.	Total tax.
Job M. Nash, estate.....	1881	388,190	4,076.00
John R. Coffroth.....	1882	430,940	4,524.87
Wm. A. Goodman, executors.....	1883	445,979	5,396.34
James Buck, trustee.....	1884	474,981	5,632.27
.....	1885	493,311	5,327.75
.....	1886	559,431	6,041.85
.....	1887	574,041	6,199.64
.....	1888	597,041	6,925.67
.....	1889	621,971	8,396.66
.....	1890	651,904	11,538.70
.....	1891	831,205	13,798.00
.....	1892	671,714	7,724.71
.....	1893	700,791	13,665.42

The defendant further says that all of said bonds, stocks and notes and mortgages securing said notes assessed and as aforesaid and as specified in said notices for each of said years 1881 to 1893 both inclusive are herein numbered and itemized for convenience of reference and are as follows for each of said years:—

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Year 1881.

Item.	Property.	Name of debtor.
1	Note and mortgage.....	Lawrence Mary
2	" "	Handy F. W.
3	" "	"
4	" "	"
5	" "	"
6	" "	"
7	" "	Vogle F.
8	" "	Huntington J. C.
9	" "	"
10	" "	"
11	" "	"
12	" "	"
13	" "	"
14	" "	Corry T. F.
15	" "	Barger G. W.
16	" "	Kemper T.

17	"	"	Lawrence C.
18	"	"	Moliter A.
19	"	"	McFarland J. F.
20	"	"	Wright G. K.
21	"	"	Wilder W.
22	Bonds		Cin Hospital
23	"		Cin. So Ry
24	"		Newport Water Works
25	"		C & C St. Ry.
26	"		Oskosh Gas Co.
27	"		Cin. Inc. Pl. St. Ry.
28	Stock		P. Ft. W. & C. Ry.
29	Note and mortgage		Kumler A. L
30	"	"	Todd M. J.

Year 1882.

Item.	Property.		Name of debtor.
1	Note and mortgage		Lawrence Mary
2	"	"	Handy F. W.
3	"	"	"
4	"	"	"
5	"	"	"
6	"	"	"
7	"	"	Vogle F.
8	"	"	Huntington J. C.
9	"	"	"
10	"	"	"
11	"	"	"
12	"	"	"
13	"	"	"
14	"	"	Barger G. W.
15	"	"	Dizerens F.
16	"	"	"
17	"	"	Ohio Lodge No. 1
18	"	"	Ritchie F.
19	"	"	Wilder W.
20	Bonds		Cin. Hospital
21	"		Cin So Ry
22	"		Newport Water Works
23	"		C & C St. Ry.
24	"		Oskosh Gas Co.
25	"		Cin. Inc. Pl. St. Ry.
26	Stocks		P. Ft. W. & C. Ry
27	Note and mortgage		Kumler A. L.
28	"	"	Bartley J.
29	"	"	Todd M. J.

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Year 1883.

Item.	Property.	Name of debtor.
1	Note and mortgage	Lawrence Mary
2	" "	Handy
3	" "	Louis Kook Mfg Co
4	" "	Handy F. W.
5	" "	"
6	" "	"
7	" "	"
8	" "	Vogle F.
9	" "	Huntington J. C.
10	" "	"
11	" "	"
12	" "	"
13	" "	"
14	" "	"
15	" "	Barger G. W.
16	" "	Diserens F.
17	" "	"
18	" "	Cin Lodge No. 1
19	" "	Ritchie J.
20	Bonds	Cin Hospital
21	"	Cin So Ry
22	"	New Port Water Works
23	"	C & C St Ry
24	"	Oskosh Gas Co
25	"	Cin Inc Pl Ry
26	Stocks	Ft W & C Ry.
27	Note and mortgage	Kumler A. L.
28	" "	Bartley J.
29	" "	Todd
30	" "	Crider M.

Year 1884.

Item.	Property.	Name of debtor.
1	Note and mortgage	Stall B.
2	" "	Lawrence Mary
3	" "	Handy
4	" "	Louis Kook Mfg. Co.
5	" "	Handy F. W.
6	" "	"
7	" "	"
8	" "	"
9	" "	Vogle F.
10	" "	Huntington J. C.
11	" "	"
12	" "	"
13	" "	"

				"
14	"	"	.....	"
15	"	"	.....	Carlisle J.
16	"	"	.....	Barger G. W.
17	"	"	.....	Crabs J. H.
18	"	"	.....	Diserens F.
19	"	"	.....	"
20	"	"	.....	Cin Lodge No. 1
21	"	"	.....	Ritchie J.
22	"		.....	Cin Hospital
23	Bonds		.....	Cin So Ry.
24	"		.....	Newport Water Works
25	"		.....	C & C Ry
26	"		.....	Oskosh Gas Co.
27	"		.....	Cin Inc Pl St Ry
28	"		.....	P Ft W & C Ry
29	Stock		.....	Kumler A. L.
30	Note and mortgage		.....	

Year 1884.

Item.	Property.			Name of debtor.
40				
31	Note and mortgage		.....	McCone
32	"	"	.....	Bartley J.
33	"	"	.....	Todd M.
34	"	"	.....	Crider M.
35	"	"	.....	Lamars H.
36	"	"	.....	Earl Adams

Year 1885.

Item.	Property.			Name of debtor.
1	Note and mortgage		.....	Stall B.
2	"	"	.....	Handy F. W.
3	"	"	.....	Cook Mfg. Co.
4	"	"	.....	Handy F. W.
5	"	"	.....	"
6	"	"	.....	"
7	"	"	.....	"
8	"	"	.....	Huntington J. C.
9	"	"	.....	"
10	"	"	.....	"
11	"	"	.....	"
12	"	"	.....	"
13	"	"	.....	"
14	"	"	.....	Carlisle J.
15	"	"	.....	Walters J. M.
16	"	"	.....	Barger G. W.
17	"	"	.....	Crabs J. H.
18	"	"	.....	Deserens F.
19	"	"	.....	"
20	"	"	.....	Cin Lodge No. 1
21	"	"	.....	Ritchie J.

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Item.	Property.	Name of debtor.
22	Bonds	Cin Hospital
23	"	Cin So Ry.
24	"	Water Works
25	"	C & C St. Ry.
26	"	Oskosh Gas Co.
27	"	Cin Inc Pl St Ry
28	Stocks	P Ft W & C Ry
29	Note and mortgage	Kimler A. L.
30	" "	Borum N. O.
31	" "	Todd M. J.
32	" "	Crider M.
33	" "	Lamers H.
34	" "	Earl A.

Year 1886.

Item.	Property.	Name of debtor.
1	Note and mortgage	Andrews R.
2	" "	Burnette W.
3	" "	Young Lizzie
4	" "	McDonald L. J.
5	" "	Stall B.
6	" "	Handy F. W.
7	" "	Cook Mfg. Co.
8	" "	Handy F. W.
9	" "	Huntington J. C.
10	" "	"
11	" "	"
12	" "	"
13	" "	"
14	" "	"
15	" "	Carlisle J.
16	" "	Waters J. M.

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Item.	Property.	Name of debtor.
17	Note and mortgage	Burchardt L.
18	" "	Calvert J.
19	" "	Seymour L.
20	" "	Crawford H. W.
21	" "	Barger G. W.
22	" "	Carbs J. H.
23	" "	Diserens F.
24	" "	"
25	" "	Cin Lodge No. 1
26	" "	Ritchie J.

27	Bonds	Cin Hospital
28	"	Sin So Ry.
29	"	Water Works
30	"	C & C St Ry.
31	"	Os-kosh Gas Co.
32	"	Cin Inc Pl St Ry
33	Stocks	P Ft W & C Ry
34	Note and mortgage	Kumler A. H.
35	" "	Shelby J. B.
36	" "	Borum N. O.
37	" "	Todd M. J.
38	" "	Crider M. H.
39	" "	Lamers H.
40	" "	Earl A.
41	" "	"
42	" "	Fowler M.
43	Year 1887.	

Item.	Property.	Name of debtor.
1	Note and mortgage	Andrews R.
2	" "	Burnette W.
3	" "	Young Lizzie
4	" "	McDonald J. W.
5	" "	Hurd R. R.
6	" "	Burnette A.
7	" "	Stall B.
8	" "	Feldhause D.
9	" "	Handy F. W.
10	" "	Cook Mfg. Co.
11	" "	Handy F. W.
12	" "	Huntington J. C.
13	" "	"
14	" "	"
15	" "	"
16	" "	"
17	" "	"
18	" "	Carlisle, J.
19	" "	"
20	" "	Waters J. M.
21	" "	Burkhart L.
22	" "	Calvert L.
23	" "	Seymour A.
24	" "	Scanlon S. J.
25	" "	Crawford H. W.
26	" "	Gordon R. H.
27	" "	Barger G. W.
28	" "	Cin Lodge No. 1.
29	" "	Busby J.
30	" "	Bradstreet B. P.
31	" "	Krapp H.

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Item.	Property.	Name of debtor.
32	Note and mortgage	Moening W.
33	" "	Roth G. W.
37	" "	Vanosdal F. C.
38	" "	Wetenkamp
39	Bonds	Cin Hospital
40	"	Cin So Ry.
41	"	Newport Water Works
42	"	C & C St Ry.
43	"	Oskosh Gas Co.
44	"	Cin Inc Pl St Ry.
45	Stocks	P Ft W & C Ry.
46	Note and mortgage	Kumler A. L.
47	" "	Falvey M. F.
48	" "	Shelby J. B.
49	" "	Borum N. O.
50	" "	Todd M. J.
51	" "	Crider M.
52	" "	Lamers H.
53	" "	Markel A.
54	" "	Earl A.
55	" "	"
56	" "	Fowler M.

Year 1888.

1	Note and mortgage	Andrews R.
2	" "	Burnette W.
3	" "	Young L.
4	" "	McDonald W. B.
5	" "	Hurd R.
6	" "	Burnette A.
7	" "	Stall B.

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Item.	Property.	Name of debtor.
8	Note and mortgage	Feldhause D.
9	" "	Handy F.
10	" "	Cook Mfg Co.
11	" "	Handy F. W.
12	" "	McLaughlin Mary
13	" "	Huntington J. C.
14	" "	"
15	" "	"
16	" "	"
17	" "	"
18	" "	"
19	" "	Carlisle J.
20	" "	"

21	"	"	.....	Waters J.
22	"	"	.....	Sage G. L.
23	"	"	.....	Thomas L. B.
24	"	"	.....	Mendenhall O. B.
25	"	"	.....	Burkhardt L.
26	"	"	.....	Calvert L.
27	"	"	.....	Thornton E. M.
28	"	"	.....	West H. W.
29	"	"	.....	Foley M.
30	"	"	.....	Steel C. M.
31	"	"	.....	Blymer C. L.
32	"	"	.....	Reters R.
33	"	"	.....	Scanlon S. J.
34	"	"	.....	Crawford H. W.
35	"	"	.....	Gordon R. H.
36	"	"	.....	Barger G. W.
37	"	"	.....	Bosworth H.
38	"	"	.....	Cin Lodge No. 1
39	"	"	.....	Ashman A. B.
46				

Item.	Property.			Name of debtor.
40	Note and mortgage		.....	Krapp H.
41	"	"	.....	Mitchell F. J.
42	"	"	.....	"
43	"	"	.....	Moening, Wm.
44	"	"	.....	Roth G. W.
45	"	"	.....	Riemchneider B.
46	"	"	.....	Radcliff B. D.
47	"	"	.....	"
48	"	"	.....	Vanorsdal F. C.
49	"	"	.....	Wetenkamp J. H.
50	Bonds		.....	Cin Hospital
51	"		.....	Cin So Ry.
52	"		.....	Newport Water
53	"		.....	C & C St Ry.
54	"		.....	Oskosh Gas
55	"		.....	Cin Inc Pl St Ry.
56	Stocks		.....	P Ft W & C Ry.
57	Note and mortgage		.....	Kumler A. L.
58	"	"	.....	Falvey M. F.
59	"	"	.....	Shelby J. B.
60	"	"	.....	Jones C.
61	"	"	.....	Todd M. J.
62	"	"	.....	Lamers H.
63	"	"	.....	Markel A.
64	"	"	.....	Borun N. O.
65	"	"	.....	Earl A.
66	"	"	.....	"
67	"	"	.....	Fowler

47 Year 1889.

Item.	Property.	Name of debtor.
1	Note and mortgage	Burnette W.
2	" "	Young L.
3	" "	Hurd R.
4	" "	Burnette A.
5	" "	Stall B.
6	" "	Mitchell J. F.
7	" "	"
8	" "	"
9	" "	"
10	" "	Feldhause D.
11	" "	Handy F. W.
12	" "	Cook Mfg. Co.
13	" "	Handy F. W.
14	" "	McLaughlin Mary.
15	" "	Huntington J. C.
16	" "	"
17	" "	"
18	" "	"
19	" "	"
20	" "	"
21	" "	Carlisle J.
22	" "	"
23	" "	Sage G. L.
24	" "	Mendenhall O.
25	" "	Thomas L. B.
26	" "	Calvert J.
27	" "	Foley M.
28	" "	Steele C.
29	" "	Blymer C. L.
30	" "	Peters R.

48 Year 1889.

Item.	Property.	Name of debtor.
31	Note and mortgage	Scanlon S. J.
32	" "	Crawford H. W.
33	" "	Starbuck A.
34	" "	Gordon R. H.
35	" "	Smith A. D.
36	" "	Koester H.
37	" "	Young C.
38	" "	Charles L. H.
39	" "	Betts A.
40	" "	Marcy J. W.
41	" "	Beresford R. J.
42	" "	Barger G. W.
43	" "	Bosworth H. S.

44	"	"	Cin Lodge No. 1
45	"	"	Ashman A. B.
46	"	"	Buss J.
47	"	"	Bradstreet E. P.
48	"	"	Gray J. H.
49	"	"	Holliday G. V.
50	"	"	Mitchell F. J.
51	"	"	Moening W.
52	"	"	Roth G.
53	"	"	Vanosdal F. C.
54	"	"	Wetenkamp J. H.
55	"	"	Handy W. T.
56	Bonds		Cin Hospital
57	"		Cin So Ry.
58	"		Newport Water
59	"		C & C St Ry.
60	"		Oskosh Gas
61	"		Cin Inc Pl St Ry.
62	Stocks		P Ft W & C Ry.
63	Note and mortgage		Kumler A. L.
64	"	"	Falvey M. F.
65	"	"	Layden J. H.
66	"	"	Shelby J. B.
67	"	"	Jones C.
68	"	"	Todd M. J.
69	"	"	Lamers H.
70	"	"	Markle A.
71	"	"	Borum N. O.
72	"	"	Earl A.
73	"	"	Earl A.
74	"	"	Fowler M.

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Year 1890.

Item.	Property.		Name of debtor.
1	Note and mortgage		Burnette W.
2	"	"	Young L.
3	"	"	Burnette A.
4	"	"	Stall B.
5	"	"	Mitchell F. J.
6	"	"	"
7	"	"	"
8	"	"	"
9	"	"	Feldhause D.
10	"	"	Handy F. W.
11	"	"	Cook Mfg Co.
12	"	"	Handy F. W.
13	"	"	McLaughlin Mary.

14	"	"	Huntington J. C.
15	"	"	"
16	"	"	"
17	"	"	"
18	"	"	"
19	"	"	Carlisle J.
20	"	"	"
21	"	"	Thomas L. B.
22	"	"	Thornton E. M.
23	"	"	West H. M.
24	"	"	Foley M.
25	"	"	Steele C. M.
26	"	"	Blymyer C. L.
27	"	"	Peters R.
28	"	"	Scanlon S. J.
29	"	"	Crawford H. W.
30	"	"	Starbuck A.
31	"	"	Gordon R. H.
32	"	"	Smith A. D.
33	"	"	Young C.
34	"	"	Charles Lizzie.
35	"	"	Betts A.
36	"	"	Marcey J. W.
37	"	"	Keyts S. D. H.
38	"	"	Case C. W.
39	"	"	Corry T. F.
40	"	"	Klayer F. H.
41	"	"	Ludlow J.
42	"	"	Williams J.
43	"	"	McLean J.
44	"	"	Stroble A. C.
45	"	"	Stark G. W.
46	"	"	Beresford R. J.
47	"	"	Barger G. W.
48	"	"	Bosworth H. S.
49	"	"	Cin Lodge No. 1
50	"	"	Buss J.
51	"	"	Bradstreet E. P.
51½	"	"	Gray H. J.
52	"	"	Holliday G. H.
53	"	"	Moening Wm.
54	"	"	Vanosdal F. C.
55	"	"	Wetenkamp J. H.
56	"	"	Handy W. T.
57	"	"	Cin Hospital.
58	"	"	Cin So Ry.
59	"	"	Newport Water
60	"	"	C. & C St Ry.

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Year 1890.

Item.	Property.	Name of debtor.
61	Note and mortgage	Oskosh Gas
62	" "	Cin Inc Pl St Ry.
63	Stocks	P. Ft W. & C Ry.
64	Note and mortgage	Kumler A. L.
65	" "	Layden J.
66	" "	Moran M.
67	" "	Shelby J. B.
68	" "	Jones C.
69	" "	Lamers H.
70	" "	Markel A.
71	" "	Borum N. O.
72	" "	Earl A.
73	" "	"
74	" "	Fowler M.

Year 1891.

Item.	Property.	Name of debtor.
1	Note and mortgage	Huntington F.
2	" "	"
3	" "	"
4	" "	"
5	" "	"
6	" "	"
7	" "	"
8	" "	Burnette W.
9	" "	Young L.
10	" "	Burnette A.
11	" "	Stall B.
12	" "	Mitchell F. J.
13	" "	"

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Item.	Property.	Name of debtor.
14	Note and mortgage	Mitchell F. J.
15	" "	"
16	" "	Feldhause D.
17	" "	Handy F. W.
18	" "	Cook Mfg Co.
19	" "	Handy F. W.
20	" "	McLaughlin Mary.
21	" "	Huntington J. C.
22	" "	"
23	" "	"
24	" "	"

25	"	"	..... Carlisle J.
26	"	"	..... "
27	"	"	..... Thornton E. M.
28	"	"	..... West H. M.
29	"	"	..... Foley M.
30	"	"	.... Steele C. M.
31	"	"	.... Blymyer C. L.
32	"	"	..... Peters R.
33	"	"	..... Scanlon S. J.
34	"	"	..... Crawford H.
35	"	"	..... Starbuck A.
36	"	"	..... "
37	"	"	.... Gordon.
38	"	"	..... Smith A. D.
39	"	"	..... Young L.
40	"	"	..... Charles L. H.
41	"	"	..... Betts A.
42	"	"	..... Keyts M.
43	"	"	..... Case C. W.
44	"	"	..... Corry T. F.

52 Year 1891.

45	Note and mortgage		..... Ludlow J.
46	"	"	..... Williams J.
47	"	"	..... McLean J.
48	"	"	.... Stroble A. C.
49	"	"	..... Stark G. W.
50	"	"	..... Dawer H.
51	"	"	..... Rankin C. L.
52	"	"	..... Beresford E. C.
53	"	"	.... Kinsey E. A.
54	"	"	..... Hall A.
55	"	"	..... Brockman C. E.
56	"	"	.... Beresford R. C.
57	"	"	..... Barger G. W.
58	"	"	..... Bosworth H. S.
59	"	"	..... Cin Lodge No. 1
60	"	"	..... Bradstreet E. P.
61	"	"	..... Gray J. H.
62	"	"	..... Holliday G. V.
63	"	"	..... Underwood G. W.
64	"	"	..... Vanosdol F. C.
65	"	"	..... Wetenkamp J. H.
66	"	"	..... Handy W. T.
67	Bonds		..... Cin Hospital
68	"		..... Cin So. Ry.
69	"		.... Newport Water
70	"		.... C & C St. Ry.
71	"		..... Oskosh Gas.

72	"	....	Cin Inc Pl St Ry.
73	Stocks	.....	P Ft W & C Ry.
74	Notes and mortgage	....	Lyden J.
75	"	"	Moran M.
76	"	"	Flaugher F.

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77	Note and mortgage	.....	Flaugher D. S.
78	"	"	Shelby J. B.
79	"	"	Jones C.
80	"	"	Lamer H.
81	"	"	Markle A.
82	"	"	Borum N. O.
83	"	"	Earl A.
84	"	"	Earl A.
85	"	"	Fowler M.

Year 1892.

Item.	Property.		Name of debtor.
1	Note and mortgage	.....	Huntington F.
2	"	"	"
3	"	"	"
4	"	"	"
5	"	"	"
6	"	"	"
7	"	"	"
8	"	"	Burnette W.
9	"	"	Burnette A.
10	"	"	Stall B.
11	"	"	Mitchell F. J.
12	"	"	"
13	"	"	"
14	"	"	"
15	"	"	Feldhause D.
16	"	"	Handy F. W.
17	"	"	Cook Mfg Co.
18	"	"	Handy F. W.
19	"	"	McLaughlin Mary
20	"	"	Huntington J. C.

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21	Note and mortgage	.....	Huntington J. C.
22	"	"	"
23	"	"	Vogle E. M.
24	"	"	Carlisle J.
25	"	"	"
26	"	"	Thornton E. M.

27	"	"	.....	West H. M.
28	"	"	.....	Steele C. M.
29	"	"	.....	Blymyer C. L.
30	"	"	.....	Peters R.
31	"	"	.....	Miller E.
32	"	"	.....	Scanlon S. J.
33	"	"	.....	Starbuck A.
34	"	"	.....	"
35	"	"	.....	"
36	"	"	.....	Gordon R. H.
37	"	"	.....	"
38	"	"	.....	Charles L. H.
39	"	"	.....	Betts A.
40	"	"	.....	Case C. W.
41	"	"	.....	Corry T. F.
42	"	"	.....	Ludlow J.
43	"	"	.....	Williams J.
44	"	"	.....	Stroble A. C.
45	"	"	.....	Stark G. W.
46	"	"	.....	Rankin C. L.
47	"	"	.....	Beresford E.
48	"	"	.....	Kinsey E. A.
49	"	"	.....	Hall A.
50	"	"	.....	Brockman C. E.
51	"	"	.....	Smith E. A.
52	"	"	.....	Cameron J. G.

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53	Note and mortgage		.....	Campbell T. E.
54	"	"	.....	Beresford R. J.
55	"	"	.....	Huntington D. W.
56	"	"	.....	"
57	"	"	.....	Rankin A.
58	"	"	.....	Keck S.
59	"	"	.....	Billings F. I.
60	"	"	.....	Barger G. W.
61	"	"	.....	Bosworth H. W.
62	"	"	.....	Alder C.
63	"	"	.....	Bradstreet E. P.
64	"	"	.....	"
65	"	"	.....	Fuchs H.
66	"	"	.....	"
67	"	"	.....	"
68	"	"	.....	"
69	"	"	.....	"
70	"	"	.....	Gray J. H.
71	"	"	.....	Thompson W. A.
72	"	"	.....	Underwood G. W.
73	"	"	.....	Vanosdol F.

74	"	"	Vogle E. M.
75	"	"	Handy W. T.
76	Bonds		Cin Hospital
77	"		Cin So Ry.
78	"		Newport Water
79	"		C & C St Ry.
80	"		Oskosh Gas
81	"		Cin Inc Pl St Ry.
82	Stock		P Ft W & C Ry.
83	Note and mortgage		Shanklin O.
84	"	"	Sheedy

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85	Note and mortgage		Smalley S.
86	"	"	Storms A. B.
87	"	"	Ansler H.
88	"	"	Johnson J. P. C.
89	"	"	Kumler A. L.
90	"	"	Lyden J.
91	"	"	Moran M.
92	"	"	Flaugher W. J.
93	"	"	" D. S.
94	"	"	Turner C.
95	"	"	Meek S.
96	"	"	Greenburg J. B.
97	"	"	Shelby J. B.
98	"	"	Jones C.
99	"	"	Lamers H.
100	"	"	Cutrill J. L.
101	"	"	Borum N. O.
102	"	"	Earl A.
103	"	"	"
104	"	"	Fowler M.

Year 1893.

Item.	Property.		Name of debtor.
1	Note and mortgage		Huntington F.
2	"	"	"
3	"	"	"
4	"	"	"
5	"	"	"
6	"	"	"
7	"	"	"
8	"	"	Burnette W.
9	"	"	" A.
10	"	"	Stall B.

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11	Note and mortgage	.....	Mitchell F. J.
12	Note and mortgage.	.....	Mitchell F. J.
13	" "	.....	Feldhause D.
14	" "	.....	Handy F. W.
15	" "	.....	Cook Mfg Co.
16	" "	.....	Handy F. W.
17	" "	.....	Huntington J. C.
18	" "	.....	"
19	" "	.....	Vogle E. M.
20	" "	.....	Carlisle J.
21	" "	.....	"
22	" "	.....	Thornton E. M.
23	" "	.....	West H. M.
24	" "	.....	Steele C.
25	" "	.....	Blymyer C. L.
26	" "	.....	Peters R.
27	" "	.....	Miller E.
28	" "	.....	Scanlon S. J.
29	" "	.....	Starbuck A.
30	" "	.....	"
31	" "	.....	"
32	" "	.....	Gordon R. H.
33	" "	.....	Young C.
34	" "	.....	Charles L. H.
35	" "	.....	Betts A.
36	" "	.....	Case C.
37	" "	.....	Corry T. F.
38	" "	.....	Ludlow J.
39	" "	.....	Williams J.
40	" "	.....	Stroble A.
41	" "	.....	Stark G. W.
42	" "	.....	Rankin C. L.

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43	Note and mortgage	.....	Beresford E.
44	" "	.....	Kinsey E. A.
45	" "	.....	Hall A.
46	" "	.....	Brockman C. E.
47	" "	.....	Smith E. A.
48	" "	.....	Cameron J. G.
49	" "	.....	Campbell T. C.
50	" "	.....	Beresford R. J.
51	" "	.....	Huntington D. W.
52	" "	.....	"
53	" "	.....	Rankin A. B.
54	" "	.....	Keck S.
55	" "	.....	Billings F. J.

56	"	"	Leighton F. J.
57	"	"	Maxwell S. M.
58	"	"	Jones J. C.
59	"	"	Thompson P. G.
60	"	"	Cox J.
61	"	"	Sisters of Poor
62	"	"	Brankamp E.
63	"	"	Barger G. W.
64	"	"	Bosworth H. S.
65	"	"	Neff W.
66	"	"	Adler C.
67	"	"	Bradstreet E. P.
68	"	"	"
69	"	"	Fuchs H.
70	"	"	"
71	"	"	"
72	"	"	"
73	"	"	" (Thompson)
74	"	"	Gray J. H.

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75	Note and mortgage		Thompson W. A.
76	"	"	Underwood G. W.
77	"	"	Vanosdol F. C.
78	"	"	Vogle E. M.
79	"	"	Handy W. T.
80	Bonds		Cin Hospital
81	"		Cin So Ry.
82	"		Newport Water
83	"		C & C St Ry.
84	"		Oskosh Gas
85	"		Cin Inc Pl St Ry.
86	Stock		P Ft W & C Ry.
87	Note and mortgage		Smith O. H.
88	"	"	Shonkwiler E. E.
89	"	"	Shackleton J.
90	"	"	Peirce M.
91	"	"	Sheedy J.
92	"	"	Smalley L.
93	"	"	Ducharm F.
94	"	"	White C.
95	"	"	Ansler H.
96	"	"	Fisher L.
97	"	"	Shirk J.
98	"	"	Cassidy J.
99	"	"	Harkrider U. L.
100	"	"	Shanklin D.
101	"	"	Flaugher D. S.
102	"	"	Storms A. B.

103	"	"	..... Johnson J. P. O.
104	"	"	..... Miller G. W.
105	"	"	..... Fullerton D. H.
106	"	"	..... Moran M.

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107	Note and mortgage		..... Flaugher W.
108	"	"	..... " D.
109	"	"	..... Turner C.
110	"	"	..... Meeks S.
111	"	"	..... Greenberg J. C.
112	"	"	..... Shelby J. B.
113	"	"	..... Jones C.
114	"	"	..... Lamers H.
115	"	"	..... Cutrill J. L.
116	"	"	..... Borum N. O.
117	"	"	..... Earl A.
118	"	"	..... "
119	"	"	..... Fowler M.

61 That all of the said note- and mortgages assessed as aforesaid by said auditor executed to or owned by said Nash were executed by inhabitants and citizens of the State of Indiana or the State of Ohio; that the said notes and mortgages executed by citizens of Ohio were all executed and payable in Ohio and the said notes and mortgages executed by citizens and inhabitants of Indiana were payable and executed in Indiana and said mortgages securing them were on lands wholly in Indiana and for convenience said notes and mortgages executed by citizens of Ohio will be called Ohio notes and said notes and mortgages executed by citizens or inhabitants of Indiana will be called Indiana notes.

That all of said bonds and stocks assessed as aforesaid will be called foreign bonds and stocks for convenience of reference. That all of said bonds and stocks assessed as aforesaid were executed and issued by corporations organized under the laws of Ohio or Kentucky and all the principal and interest thereof and thereon were payable in Cincinnati and that said bonds and stocks were and each of them was kept and deposited in Cincinnati and they were not nor was either of them over in the State of Indiana at any time whatever during the year 1881 or at any time thereafter, and they were not nor was either of them used in any business in Indiana. And said bonds and stocks are the following numbered items for each of said years 1881 to 1893 both inclusive:

For the year 1881	22 to 28	For the year 1881	40 to 56
1882	20 to 26	1889	56 to 62
1883	20 to 26	1890	57 to 63
1884	23 to 29	1891	67 to 73
1885	22 to 28	*1891*	*67 to 73*
1886	27 to 33	1892	76 to 82
1887	39 to 45	1893	80 to 86

62 The defendant says that of said notes comprised in said assessment the following numbered items thereof both inclusive for each of the years 1881 to 1893 both inclusive were Ohio notes, and were all of said Ohio notes.

For the year 1881	Item 1 to 21	For the year 1887	Item 1 to 38
1882	1 to 19	1888	1 to 49
1883	1 to 19	1889	1 to 59
1884	1 to 22	1890	1 to 56
1885	1 to 26	1891	1 to 66
		1892	1 to 75
		1893	1 to 79 & 94

The defendant further says that the said Ohio notes and foreign bonds and stocks were assessed for taxation in the State of Ohio and all taxes assessed thereon were paid in full and there is no unpaid taxes in the State of Ohio on account of them. That the said Nash acquired and became the owner of all of said Ohio notes, foreign bonds and stocks in the State of Ohio by purchase or the loan or investment of his money or property in the State of Ohio and in no case in the State of Indiana.

The defendant further says that the Ohio notes, apart from any of those which may be hereafter excepted, were kept in Indiana for safety and convenience and not otherwise and that said Ohio notes were not nor was either of them at any time ever transferred, pledged, assigned or used in whole or in part in any form or manner in any business whatever in Indiana or elsewhere during the life time of the said Nash and after he became the owner or holder or had any interest in them or any of them and that all payments made for or on account of the interest or principal or any of said notes were made in the State of Ohio and all money so paid
63 on account of the principal and interest was deposited and kept in the State of Ohio and no part of said money so paid as aforesaid was transmitted to Indiana.

The defendant alleges that of said Ohio notes there were the following numbered items which were assessed as aforesaid for the following amounts and for the following years respectively :—

1881	Item	1.....	$2,500	1886	Item	20.....	$8,000
1882	"	21.....	6,840	1887	"	25.....	8,000
1882	"	1.....	2,500	"	"	30.....	4,000
"	"	19.....	6,840	1889	"	41.....	2,500
1883	"	1.....	2,500	"	"	45.....	5,000
"	"	3.....	21,279	"	"	46.....	2,500
1884	"	4.....	21,279				

and being a total assessment of $93,738.00.

The defendant avers that said Nash was not the holder or owner of and had no right title or interest in or to said notes last aforesaid

or either of them on or before the 1st day of April of said years for which they were or either of them was assessed.

That of the Ohio notes there were the following numbered items which were assessed as aforesaid for the following amounts and for the following years respectively:—

1885	Item	14	$1,500
1886	"	15	1,500
1887	"	18	10,000
"	"	19	1,500
"	"	26	18,000
1888	"	35	18,000

being a total assessment of $50,500.

The defendant says that said notes last aforesaid had never been nor either of them ever been in the State of Indiana on or before the 1st day of April of the said year for which they were or either of them was assessed.

That of said Ohio notes there were the following numbered items which were assessed as aforesaid for the following amounts and for the following years respectively:—

1886	Item	5	$11,652	1891	Item	25	$10,000
1887		1	6,000	"		26	1,500
"		7	11,652	"		34	8,000
1888		1	6,000	"		56	2,500
"		5	3,000	"		58	7,000
"		7	11,652	"			
"		19	10,000	"		64	1,100
"		20	1,500	"		65	1,190
1889		2	4,000	1892		10	11,652
"		3	3,000	"		11	2,000
"		5	11,652	"		12	1,800
"		10	4,900	"		15	4,000
"		21	10,000	"		16	2,000
"		22	1,500	"		18	2,000
"		24	1,000	"		20	5,000
"		45	1,500	"		21	5,000
"		50	1,800	"		22	5,000
"		51	1,200	"		24	10,000
"		52	3,700	"		25	1,500
"		53	1,100	"		36	18,000
				"		70	800
"		54	1,190	"		73	1,100
1890		2	4,000	1893		8	3,000
"		4	11,652	"		9	2,000
"		9	4,900	"		10	11,652
"		10	2,000	"		11	1,800
"		12	2,000	"		12	1,800

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1890	Item	14	$5,000	1893	Item	13	$4,900
"	"	15	5,000	"	"	17	5,000
"	"	17	5,000	"	"	18	5,000
"	"	18	5,000	"	"	20	10,000
"	"	19	10,000	"	"	21	1,500
"	"	20	1,500	"	"	22	5,900
"	"	53	1,200	"	"	28	5,000
"	"	54	1,100	"	"	32	18,000
"	"	55	1,190	"	"	48	8,000
1891	"	9	4,000	"	"	51	4,000
"	"	11	11,652	"	"	67	4,000
"	"	16	4,900	"	"	69	1,400
"	"	21	5,000	"	"	70	1,400
"	"	22	5,000	"	"	74	800
"	"	24	5,000	"	"	76	400
				"	"	77	1,100

and being a total assessment of $407,086.

That the notes last aforesaid and each of them had been sent or transferred from the State of Indiana to Cincinnati Ohio and before the 1st day of April of said year for which they were or any of them was assessed as aforesaid, and the defendant avers that all and every of said notes so transferred to Cincinnati were nor was either of them ever returned to the State of Indiana; and that each of said notes was in the State of Ohio on or before the 1st day of April of the said year for which it was assessed.

That of the said Ohio notes there were the following numbered items which were assessed as aforesaid for the following years respectively:—

1891	Item	6	$5,000	1893	Item	6	$5,000
"	"	7	5,000	"	"	7	5,000
1892	"	6	5,000				
"	"	7	5,000				

66 and being a total assessment of $30,000.

The defendant says that the said Nash was never the owner or holder of and he had at no time any right title or interest in or to said notes last aforesaid or of either of them at any time.

That of the Ohio notes there were the following numbered items assessed as aforesaid for the following amounts and for the following years respectively:—

1888	Item	37	$7,000	1892	Item	13	$2,000
	"	45	700			14	1,800
1889	"	8	2,000			61	7,000
		9	1,800			67	1,800
		43	7,000			68	1,200

1890		8.....	1,800		69.....	1,200
		48.....	7,000	1893	14.....	2,000
1891	"	14.....	2,000		16.....	2,000
		15.....	1,800		64.....	7,000
		17.....	2,000		71.....	1,800
		19.....	2,000		72.....	1,200
					73.....	1,200

and being the total assessment of $65,300.

The defendant says that the notes last aforesaid were not nor was either of them ever at any time in the State of Indiana.

That the said Ohio note being item 91 was assessed as aforesaid for $2000 for the year 1893 but the defendant avers that said Nash was not the owner or holder of and he never had any right title or interest to or in said note at any time during 1893.

The defendant further shows that of the said Ohio notes there were the following items which are erroneously assessed by
67 the said auditor for the following sums which are severally above the cash value and in excess of the unpaid principal of said note so assessed and for the following years respectively :—

1882	Item	17.....	$18,000	1888	Item	44.....	$1,750
1883		18.....	18,000			46.....	1,000
1884		21.....	18,000			47.....	900
1885		1.....	5,781			48.....	550
		3.....	16,279			49.....	500
		20.....	18,000	1889		12.....	6,279
		23.....	2,000			28.....	7,000
1886		7.....	6,279			34.....	12,000
		17.....	1,600			44.....	18,000
		25.....	18,000			49.....	450
		36.....	13,500	1890		11.....	6,279
1887		8.....	3,267			22.....	2,900
		10.....	6,279			25.....	1,000
		21.....	1,620			31.....	12,000
		28.....	18,000			43.....	1,000
		49.....	13,500			49.....	18,000
1888	Item	8.....	4,083	1890		52.....	1,700
		10.....	6,279			51½.....	266
		25.....	1,620	1891		18.....	6,279
		27.....	1,900			27.....	3,900
		30.....	2,000			30.....	1,000
		38.....	18,000			37.....	15,000
		40.....	1,000			47.....	1,000
1892		17.....	6,279			59.....	18,000
		26.....	3,900			61.....	533
		28.....	1,000			62.....	1,700
		50.....	833	1893		15.....	6,279
		62	200			24.....	1,000
		72.....	200			46.....	1,666

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1892 Item 75..... $3,000 1893 Item 66..... $200
79..... 3,000

and being a total erroneous assessment of $——.

The defendant further says that the following numbered items both inclusive for each of the said years respectively a[illegible]ll the Indiana notes assessed as aforesaid:—

1881	Items	29	and	30
1882	"	27	to	29
1883	"	27	"	30
1884	"	30	"	36
1885	"	29	"	34
1886	"	34	"	42
1887	"	46	"	56
1888	"	57	"	67
1889	"	63	"	74
1890	"	64	"	74
1891	"	74	"	85
1892	"	83	"	104
1893	"	87	"	119

except item 94 for the year 1893. That all of said Indiana notes were deposited and kept in the city of La Fayette, Indiana only and merely for safety, convenience and collection of the same; that said Indiana notes were not nor was either of them ever at any time invested, transferred or assigned or used in any business in any form or manner whatever in Indiana or elsewhere.

That all of said Indiana notes were, after they were severally executed and so long as any part of said note was unpaid, duly returned for taxation in said Tippecanoe county for each of said years 1881 to 1893 both inclusive and all taxes thereon were duly paid in full and no taxes are due or unpaid on account of said notes
69 or any of them saving and excepting the following numbered items both inclusive of said Indiana notes so assessed as aforesaid by said auditor for the following years respectively were not returned for taxation in said Tippecanoe county:—

1881	Items	29	and	30
1882		27	to	29
1883		27	"	30
1884		30	"	26
1885		29	"	34
1886		34	"	42

87, 88, 89, 90, 96, 97, 98, 99, 101 and 105

That all and every of the assessments, rates of taxation, taxes and penalties on said last numbered items of said Indiana notes for each

of the years in which any of them are made and entered on the t
duplicate of said county of Tippecanoe are respectively as follo

		Assessment.	Rate.	Tax.	Penalty 10 %	Penalty 6 %	Tot tax
1881.							
Item 29	Kumler A. L.....	$1,000					
" 30	Todd M. J.....	600					
		1,600	105	16.80	1.68	1.00	$19
1882.							
Item 27	Kumler A. L.....	$1,000					
" 28	Bartley J.....	700					
" 29	Todd M. J.....	600					
		2,300	105	24.15	2.42	1.45	28.
1883.							
Item 27	Kumler A. L.....	$1,000					
" 28	Bartley J.....	700					
" 29	Todd M. J.....	600					
" 30	Crider M.....	600					
		$2,900	121	35.09	3.51	2.10	40.
70							
1884.							
Item 30	Kumler A. L.....	$1,000					
" 31	McCone.....	1,500					
" 32	Bartley J..... ...	700					
" 33	Todd M. J.....	600					
" 34	Crider M.....	600					
" 35	Lamers H.....	1,350					
" 36	Earl A.....	5,000					
		$10,750	119	127.92	12.79	7.67	148
1885.							
Item 29	Kumler A. L.....	$1,000					
" 30	Borum N. O.....	1,500					
" 31	Todd M. J.....	600					
" 32	Crider M.....	600					
" 33	Lamers H.....	1,350					
" 34	Earl A.....	5,000					
		$10,050	108	108.54	10.85	6.51	125

1886.								
Item	34	Kumler A. L.....	$1,000					
"	35	Shelby J. B.....	4,000					
"	36	Borum N. O.....	1,500					
"	37	Todd M. J.....	600					
"	38	Crider M.....	600					
"	39	Lamers H.....	1,350					
"	40	Earl A.....	5,000					
"	41	Earl A.....	6,000					
"	42	Fowler M.....	27,000					
			47,050	108	508.14	50.81	30.49	589.44
1893.								
Item	87	Smith O. H.....	$2,500					
"	88	Shonkwiler.....	3,500					
"	89	Shackleton.....	1,500					
71								
Item	90	Peirce M.....	1,800					
"	96	Fisher L.....	4,000					
"	97	Shirk.....	1,100					
"	98	Cassidy.....	1,500					
"	99	Harkrider.....	2,000					
"	101	Flaugher.....	1,500					
"	105	Fullerton	2,000					
			21,400	195	417.30	41.73	25.03	484.06

Total $1435.99

The defendant further says that heretofore on the 31st day of October, 1897, the total amount of all taxes and penalties and interest on account of all of said Indiana notes last aforesaid was $1436.10 and that on the day last aforesaid the defendant in the office of the treasurer of said county of Tippecanoe in the city of Lafayette and during the office hours prescribed by law for said office, tendered to the said treasurer the sum of $1436.10 in good and lawful money of the United States of America in payment of all the said taxes and penalties on the said Indiana notes last aforesaid, that said treasurer then and there refused said tender of said sum of money so made as aforesaid, and the defendant now brings into court said sum of money and tenders the same in full payment of said taxes, interest and penalties on said Indiana notes last aforesaid.

The defendant further shows that the following numbered items of said Indiana notes and which were duly returned for taxation in the life time of said Nash as aforesaid were erroneously assessed by said auditor in the following sums or amounts in excess of the unpaid principal of each of the said notes so erroneously assessed for each of the following years:

72

1884	Item 31.....	$500	1892	Item 98.....	$4,600
1888	61.....	100		99.....	250
1889	68.....	100		104.....	14,450
1890	65.....	416	1893	96.....	200
1891	74.....	1,666		102.....	150
	80.....	150		106.....	533
	75.....	260		107.....	200
	79.....	4,600		109.....	200
1892	90.....	2,083		110.....	792
	91.....	533		113.....	4,600
	92.....	200		114.....	850
	94.....	200		115.....	310
	95.....	792		119.....	14,450

and all of the sum of $33,191.

The defendant further says that the following numbered items of said Indiana notes and which were duly returned for taxation in the life time of said Nash as aforesaid were assessed as aforesaid for the following amounts and for the following years respectively:—

1890	Item 71.....	$1,000	1892	Item 89.....	$1,000
1891	" 81.....	3,700	"	" 101.....	1,000
"	" 82.....	1,000	"	" 108.....	2,600
			"	" 116.....	1,000

The defendant says that each of the notes last aforesaid had been paid in full before the 1st day of April of the year for which it was assessed.

The defendant further says that said auditor assessed one of said Indiana notes and being item 58 for the year 1888 for $2,250. That said note was not executed or in existence until after the first day of April 1888.

73 The defendant further says that there is now and has been for more than a year last past in the city of Lafayette in said county of Tippecanoe in the possession of the said defendant James Buck, trustee as aforesaid, belonging to and constituting a part of the said trust funds or property, tangible personal property of more than the cash value of fifty dollars, notes and mortgages executed by citizens of said State of Indiana, on lands in said county of Tippecanoe and in other counties in the State last aforesaid of the value of more than fifty thousand dollars and cash on hand or on deposit in said city of Lafayette from time to time and varying in amount from a few dollars to more than five thousand dollars and the said cash and deposits of said trust will in the future from time to time substantially be on hand in the current administration thereof in said Tippecanoe county.

That the said tax duplicate containing the said assessment is in the official custody of the plaintiff treasurer to collect the taxes assessed, and said plaintiff claims said trust property is liable to pay

e same, and that said treasurer now threatens to and will proceed the collection of said taxes out of the trust property, unless re-ained by order of this court.

The defendant says he is ready able and offers to pay any and all sts in this cause up to and including the filing of his pleadings rein as they may be taxes.

Wherefore the defendant prays judgment that the plaintiff take thing by his action.

Paragraph 4. Further answering this defendant says that this urt hath no jurisdiction over him herein for that the said Job M. ısh died on July 19th, 1893, testate.

That afterwards, to-wit, on the 1st day of August, 1893 his will was duly probated in the probate court of Hamilton county, in the State of Ohio, a probate court of general jurisdiction.

That by his said will he gave to this defendant and William Goodman, the sum of $268,000 in trust, under the following pro-sion:

Item 1. I give and bequeath to James Buck of La Fayette Ind. d William A. Goodman of Cincinnati, Ohio and to the survivor d successors of them the sum of two hundred and sixty-eight ousand dollars, in trust nevertheless, to be invested by them in od, productive personal property or secured by first mortgage on od productive real estate, and the net income thereof to be paid mi-annually by them or the survivors or successors of them as fol-ws to-wit:—The net income of one hundred thousand dollars of id sum to be paid to my wife, Frances V. Nash, during her natural e, and at her death such net income as may in future accrue ereon, together with any portion of such income as may have ac-ued thereon and not been paid to her, shall be paid so long as this ıst lasts to my sisters Mary E. Wood, Caroline L. Nash and to my eces Charlotte G. Bushnell and Mary E. Andress, or to such of em as may be alive at the time of my wife's death share and share ike, but if either of my said nieces shall have died, and shall have ft a child or children or their de-ce-dants, such child or children or eir de-ce-dants shall take their parents' share.

To my sister Mary E. Wood, the net income of twenty-five thou-nd dollars of said sum, during her natural life, and at her death ch net income as may in future accrue thereon so long as this ıst shall last, together with any income which shall have accrued ereon and not paid over to her daughter Mary E. Andress, and if she shall have died before my said sister, and shall have left children or their descendants then such children or their de-ce-dants shall take their parents' share.

To my sister Caroline L. Nash, the net income on twenty-five ousand dollars of said sum during her natural life, and at her ath such income as may in future accrue thereon so long as this ıst shall last, together with any interest which may have accrued ereon and not paid over to her shall be paid to my nieces Char-tte G. Bushn ell and Mary E. Andress, or to the survivor of them

share and share alike, and if either of said nieces shall have die
before my said sister and shall have left a child or children or thei
de-ce-dants, then such child or children or their de-ce-dants shall tak
their parents' share.

To my niece Mary E. Andress, the net income on twenty-fiv
thousand dollars during her natural life or if she be dead at th
time of my death then said net income shall be paid to child c
children surviving her, the said Mary E. Andress.

To my niece Charlotte G. Bushnell the net income on twenty-fiv
thousand dollars of said sum during her natural life and at he
death to her child or children or their descendants, if any, but if sh
should die without child or children, such net income shall b
paid to my niece Mary E. Andress or if she be dead at the tim
of my death then to her child or children surviving her.

To Ada Nash Wood daughter of Thomas D. Wood, the net incom
on twenty-five thousand dollars of said sum during her natural li
and at her death the net income of said sum to be paid to Charlot
G. Bushnell and Mary E. Andress during their natural lives, shar
and share alike, but if either of them shall be dead, then said n
income to be paid to the survivor and to the child or childre
76 of the one dead, and such child or children taking only thei
parents' share.

To James Buck and James Murdock of La Fayette, Ind. the n
income on twenty-five thousand dollars of said sum, in trust neve
theless, and I direct that the said James Buck and James Murdoc
who are hereby constituted trustees for that purpose, pay out of sai
net income to my nephew Jesse K. Wood in equal quarterly instal
ments the sum of fifteen hundred dollars per annum during h
natural life, and at his death I direct the said James Buck and Jam
Murdock to return any portion of such income as they may hav
received and which has not been paid to said Jesse K. Wood durin
his natural life time to my trustees James Buck and William A
Goodman, who shall then pay the net income of the said twenty
five thousand dollars, and the net income of any such sum returne
to them by said James Buck and James Murdock, trustees, to Cha
lotte G. Bushnell and Mary E. Andress during their natural liv
share and share alike and in the event of the death of either o
them, then to be paid to the survivor and to the child or childre
of the one dead, such child or children taking only their parent
share.

To the children of Bem Scott, the net income of eight thousan
dollars of said sum during their natural lives share and share alik
then the principal to be paid the heirs of such children.

To the children of James Scott the net income of ten thousan
dollars of said sum during their natural lives, share and share alik
then the principal to be paid to the heirs of such children.

And I hereby direct that my trustees, James Buck and Williat
A. Goodman shall hold the one hundred bonds of one tho
77 sand dollars each, called the "Cincinnati Hospital bonds
bearing 7–3/10% interest per annum, interest payable sem

annually which I now own (should I die possessed of them) as a fund out of which they shall pay to my said wife the net income on one hundred thousand dollars herein provided for so long as the same shall remain unredeemed. The trust hereby created shall continue so long as my wife, and my said sisters Mary E. Wood and Caroline L. Nash and the said Charlotte G. Bushnell, Mary E. Andress and Ada Nash Wood or either of them shall live.

And upon the death of all the last aforesaid persons, then this trust shall cease, and the said sum of two hundred and fifty thousand dollars, together with all the undistributed accumulations thereon shall be distributed as directed in item No. 2 of this my last will and testament. And this trust shall continue in the said trustees or the survivor or successors of them.

That the executors named in said will to-wit: William A. Goodman of Ohio and John J. Coffroth of Indiana accepted said executorship, qualified in the said probate court, and received all the personal estate of the said testator, and the said personal estate was taken possession of by the said probate court, through the said executors, and the same distributed and applied in accordance with the provisions of said will and the laws of Ohio in that behalf, and under the sole and exclusive administration and jurisdiction of the said probate court.

That no letters of executorship, administration or otherwise, upon said estate were issued or taken out in any other court than the said probate court of Hamilton county, Ohio.

That the said probate court having the said will and all the estate of which the said Nash died seized within its hands and
78 within its jurisdiction and under its control, and in pursuance of said will and the laws of Ohio and not otherwise, did appoint the said Buck and the said Goodman trustees under the said item one, above set forth and issued to them proper letters and authority to act as such trustees, and required them and each of them, to execute in to the said court a bond in manner and form as by the said will and the statutes of Ohio in such case made and provided, which they did, and then and thereby this defendant became an officer of the said probate court, and as such officer and not otherwise he received in trust, under the said item one, property of the value of $127,000, and no more, which property he from thence at all times has held and still holds as an officer and a custodian of the said probate court of Hamilton county, Ohio.

That the said probate court has sole and exclusive jurisdiction over the said property and the said trust erected by and under the said will and so he says that this action doth not lie against him in this honorable court for that being an officer of the said probate court of Hamilton county, Ohio, he is solely responsible to said court and only suable therein for and on account of any demand which the plaintiff may have for or against the trust property in his hands, possession or control.

Par. 5. Further answering the defendant says that there is material and essential defect of parties in this, to-wit:

That the said Nash mentioned in the complaint died on July 19th 1893 testate.

That afterwards to-wit: on the 1st day of August 1893, the said will was duly probated in the probate court of Hamilton
79 county, Ohio, a court of general probate jurisdiction.

That under and by said will said testator nominated William A. Goodman of Ohio and John R. Coffroth, of Indiana executors of his said last will and testament.

That the said executors accepted said trust qualified and gave bond, and entered upon the performance of their duties as such executors and as officers of the said probate court.

That said probate court through its said executors, took into its possession and under its control all of the personal estate and property of which the said testator died seized, wheresoever situate.

That no other administration was taken out upon said estate, independent or ancilliary to the said administration in the said probate court.

That in and by the first item of said will the said testator created a trust as follows:—

"*Item* 1:—I give and bequeath to James Buck of La Fayette, Ind., and William Augustus Goodman of Cincinnati, Ohio, and to the survivor and successors of them the sum of two hundred and sixty-eight thousand dollars, in trust, nevertheless, to be invested by them in good, productive personal property, or secured by first mortgage upon good, productive real estate, and the net income thereof to be paid semi-an-ually by them or their survivors or successors of them, as follows, to-wit:—

The net income of one hundred thousand dollars of said sum to be paid to my wife Frances V. Nash, during her natural life, and at her death such net income as may in future accrue thereon, together with any portion of such income as may have accrued thereon,
80 and not been paid to her, shall be paid so long as this trust lasts, to my sisters, Mary E. Wood, Careline L. Nash and to my nieces Charlotte G. Bushnell and Mary E. Andress, or to such of them as may be alive at the time of my wife's death, share and share alike, but if either of my said nieces shall have died, and shall have left a child or children or their descendants, such child or children or their descendants shall take their parents' share.

To my sister, Mary E. Wood, the net income of twenty-five thousand dollars of said sum, during her natural life, and at her death such net income as may in future accrue thereon, so long as this trust shall last, together with any income which shall have accrued thereon and not paid over to her, shall be paid to her daughter, Mary E. Andress, and if she shall have died before my said sister, and shall have left children or their descendants, then such children or their descendants shall take their parents' share.

To my sister, Caroline L. Nash, the net income on twenty-five

thousand dollars of said sum during her natural life, and at her death such income as may in future accrue thereon so long as this trust shall last, together with any interest which may have accrued thereon and not paid over to her, shall be paid to my nieces, Charlotte G. Bushnell and Mary E. Andress, or to the survivor of them, share and share alike, and if either of said nieces shall have died before my said sister and shall have left a child or children or their descendants then such child or children or their descendants shall take their parents' share.

To my niece Mary E. Andress, the net income on twenty-five thousand dollars during her natural life, or if she be dead at the time of my death, then said net income shall be paid to the
81 child or children surviving her, the said Mary E. Andress.

To my niece, Charlotte G. Bushnell, the net income on twenty-five thousand dollars of said sum during her natural life, and at her death to her child or children or their descendants, if any, but if she should die without child or children, such net income shall be paid to my niece Mary E. Andress, or if she be dead at the time of my death, then to her child or children surviving her.

To Ada Nash Wood, daughter of Thomas D. Wood, the net income on twenty-five thousand dollars of said sum during her natural life and at her death the net income of said sum to be paid to Charlotte G. Bushnell and Mary E. Andress, during their natural lives, share and share alike, but if either of them shall be dead, then said net income to be paid to the survivor and to the child or children of the one dead, such child or children taking only their parent's share.

To James Buck and James Murdock of La Fayette, Ind. the net income on twenty-five thousand dollars of said sum, in trust, nevertheless, and I direct that the said James Buck and James Murdock, who are hereby constituted trustees for that purpose, pay out of said net income to my nephew, Jesse K. Wood in equal quarterly installments, the sum of fifteen hundred dollars per annum during his natural life, and at his death I direct the said James Buck and James Murdock to return any portion of such income as they may have received and which has not been paid to the said Jesse K. Wood during his life time, to my trustees, James Buck and William Augustus Goodman, who shall then pay the net income of the said twenty-five thousand dollars, and the net income of any sum returned to them by the said James Buck and James Murdock, trustees, to Charlotte G. Bushnell and Mary E. Andress, during their natural lives, share and share alike, and in the event of the
82 death of either of them, then to be paid to the survivor and to the child or children of the one dead, such child or children taking only their parent's share.

To the children of Bem Scott, the net income of eight thousand dollars of said sum during their natural lives, share and share alike, then the principal to be paid to the heirs of such children.

To the children of James Scott, the net income of ten thousand

dollars of said sum during their natural lives, share and share alike, then the principal to be paid to the heirs of such children

And I hereby direct that my said trustees, James Buck and William Augustus Goodman shall hold the one hundred bonds of one thousand dollars each, called "The Cincinnati Hospital Bonds," bearing 7-3/10% interest per annum, interest payable semi-annually, which I now own (should I die possessed of them) as a fund out of which they shall pay to my said wife the net income on said one hundred thousand dollars herein provided so long as the same shall remain unredeemed. The trust hereby created shall continue so long as my said wife, and my said sisters, Mary E. Wood and Caroline L. Nash, and the said Charlotte G. Bushnell, Mary E. Andress and Ada Nash Wood or either of them shall live. And upon the death of all the last aforesaid persons, then this trust shall cease, and the said sum of two hundred and fifty thousand dollars, together with all the undistributed accumulations thereon, shall be distributed as directed in item number 2 of this my last will and testament. And this trust shall continue in the said trustees or the survivor or successors of them.

That in the course of the administration of said estate in
83 and by said probate court, the said probate court appointed this defendant and the said Goodman, a citizen of the State of Ohio, resident in Hamilton county, trustees and required them to qualify and give bond, which they did, and then and thereby accepted said trust and became the trustees under and by virtue of said appointment and not otherwise.

That thereupon, in the further administration and distribution of said estate, the said probate court caused said executors to pay over and deliver to this defendant and his co-trustee, Goodman, personal property which they took as money in the sum of $268,000, which property and money they from thence till now at all times have held as trustees aforesaid and not otherwise.

The said taxes for which the plaintiff is suing, as appears by the complaint were assessed against Job M. Nash's estate, John R. Coffroth and William A. Goodman, executors, and James Buck, trustee, and against no other person.

The said John R. Coffroth is now deceased and no executor has ever been appointed in his place and stead, and the said estate was finally settled in the said probate court long prior to any action being taken by the auditor of Tippecanoe county or any other person, touching the assessment of the taxes now sued for.

This defendant was not and never was in any wise a representative of the estate of the said Nash; but he says that his co-trustee, William A. Goodman is a material and necessary party co-defendant, to this action if this honorable court hath jurisdiction in the premises to proceed to *as* hearing and judgment herein; and without the presence of said Goodman as a party defendant this
84 honorable court hath no jurisdiction to further proceed

ainst this defendant alone in this cause, and he prays judgment cordingly.

LANGDON & COFFROTH,
Att'y for Def.

And defendant also on motion now files his counter-claim herein these words:

ATE OF INDIANA, }
Warren County, } ss:

In the Warren Circuit Court to the —— Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, }
vs.
JAMES BUCK, Trustee. }

The defendant by way of counter-claim against the plaintiff says: That said Henry A. Miller is now and he has been for more than r years last past the treasurer of Tippecanoe county in the State Indiana.

That Job M. Nash died on the 19th day of July 1893 in the State New York leaving his last will, a copy of which is made a part reof and is in the words and figures following:

, Job M. Nash of the city of New York, being of sound and dis- ing mind and memory, do hereby make and publish this my will and testament hereby revoking and annulling all other ls and codicils by me heretofore made.

tem 1:—I give and bequeath to James Buck of La Fayette, Indiana, and William A. Goodman of Cincinnati, Ohio and to the survivor and successors of them the sum of two hundred and sixty-eight thousand dollars in trust nevertheless, to be ested by them in good productive personal property or secured first mortgage upon good productive real estate, and the net in- ne thereof to be paid semi-annually by them or the survivors or cessors of them, as follows to-wit:—The net income of one hundred usand dollars of said sum to be paid to my wife, Frances V. Nash, ing her natural life, and at her death such net income as may in ure accrue thereon together with any portion of such income may have accrued thereon and not been paid to her, shall be d so long as this trust lasts to my sister- Mary E. Wood and Caro- e L. Nash, and to my nieces Charlotte G. Bushnell and Mary E. dress or to such of them as may be alive at the time of my wife's th, share and share alike, but if either of my said nieces shall e died, and shall have left a child or children or their descend- s, such child or children or their descendants shall take their ent's share. To my sister Mary E. Wood the net income of nty-five thousand dollars of said sum during her natural life, and er death such net income as may in future accrue thereon so long

as this trust shall last together with any income which shall have accrued thereon and not paid over to he- shall be paid to her daughter Mary E. Andress, and if she shall have died before my said sister and shall have left childen or their descendants then such children or their de-ce-dants shall take their parent's share. To my sister Caroline L. Nash, the net income on twenty-five thousand dollars of said sum during her natural life, and at her death such income as may in the future accrue thereon so long as this trust shall last together with any interest which may have accrued thereon and not paid over to her shall be paid
86 to my nieces Charlotte G. Bushnell and Mary E. Andress or the survivors of them, share and share alike, and if either of said nieces shall have died before my said sister and shall have left a child or children or their de-ce-dants, then such child or children or their de-ce-dants shall take their parent's share. To my niece Mary E. Andress, the net income on twenty-five thousand dollars during her natural life, or if she be dead at the time of my death, then said net income shall be paid to the child or children surviving her, the said Mary E. Andress. To my niece Charlotte G. Bushnell the net income on twenty-five thousand dollars of said sum during her natural life, and at her death to her child or children, or their de-ce-dants, if any, but if she should die without child or children such net income shall be paid to my niece Mary E. Andress, or if she be dead at the time of my death then to her child or children surviving her. To Ada Nash Wood daughter of Thomas D. Wood, the net income on twenty-five thousand dollars of said sum during her natural life and at her death the net income of said sum to be paid to Charlotte G. Bushnell and Mary E. Andress during their natural lives, share and share alike, but if either of them shall be dead then said net income to be paid to the survivor, and to the child or children of the one dead, such child or children taking only the parent's share.

To James Buck and James Murdock of La Fayette, Ind., the net income on twenty-five thousand dollars in trust nevertheless, and I direct that the said James Buck and James Murdock who are hereby constituted trustees for that purpose to —out of said net income to my nephew Jesse K. Wood in equal quarterly installments the sum of fifteen hundred dollars per annum during his natural life, and at his death I direct the said James Buck and James Murdock
87 to return any portion of such income as they may have received, and which has not been paid to the said Jesse K. Wood during his lifetime to my trustees James Buck and William Augustus Goodman who shall then pay the net income of the said twenty-five thousand dollars and the net income of any sum returned to them by the said James Buck and James Murdock trustees, to Charlotte G. Bushnell and Mary E. Andress during their natural lives share and share alike, and then in the event of the death of either of them to be paid to the survivor and to the child or children of the one dead, such child or children taking only their

parent's share. To the children of Bem Scott, the net income of eight thousand dollars of said sum during their natural lives share and share alike, then the principal to be paid to the heirs of such children. To the children of James Scott, the net income of ten thousand dollars of said sum during their natural lives, share and share alike, then the principal to be paid to the heirs of such children. And I hereby direct that my said trustess James Buck and William Augustus Goodman shall hold the one hundred bonds of one thousand dollars each called "The Cincinnati Hospital Bonds," bearing 7-3/10 % interest per annum interest payable semi-annually, which I now own (should I die possessed of them) as a fund, out of which they shall pay to my said wife, the net income on said one hundred thousand dollars herein provided for, so long as the same remain unredeemed. The trust hereby created shall continue so long as my said wife, and my said sisters, Mary E. Wood and Caroline L. Nash and the said Charlotte G. Bushnell, Mary E. Andress and Ada Nash Wood or either of them shall live. And upon the death of all the last aforesaid persons, then this trust shall cease and the said two hundred and fifty thousand dollars, together
88 with all the undistributed accumulations thereon, shall be distributed as directed in item No. two of this my last will and testament.

And this trust shall continue in the said trustees or the survivors or successors of them. And should my said trustees or either of them die, or resign or be disqualified, incompetent or unfit from any cause to act as such trustees during the existence of the trust herein and hereby created, I hereby request and authorize the judge of the circuit court of Tippecanoe county in the State of Indiana to desegnate the successor or successors of James Buck, and the probate court of Hamilton county, Ohio, to desegnate and appoint the successor or successors of William Augustus Goodman.

Item 2: When the said trust created in item 1 of this will shall cease, as herein provided for, then I direct said sum of two hundred and fifty thousand dollars together with all the undistributed accumulations thereon, shall be distributed as follows viz:

The half to the child or children (or their de-ce-dants) of Charlotte G. Bushnell, and the one-half to the child or children (or their de-ce-dants) of Mary E. Andress. If said Charlotte G. Bushnell or Mary E. Andress, shall die leaving no child or children or the de-ce-dants of such child or children surviving her, then such one-half portion shall go to the child or children of them, the said Charlotte G. Bushnell and Mary E. Andress.

Item 3: I give and bequeath the sum of twenty-five thousand dollars to my nephews and nieces, Orville J. Victor, Jacob N. Victor, George W. Victor, Mary V. Grimes, Matilda Victor, and Florence Victor (the children of my sister Gertrude H. Victor deceased) or the survivors of them share and share alike, but if any of them shall have died before my death and shall have left a child
89 or children (or their de-ce-dants) such child or children shall take their parent's share.

Item 4: I give and bequeath the sum of twenty-five thousand dollars to my brother Thomas J. Nash, if alive, but if he should be dead at my decease, then I give and bequeath the same to his child or children then living, and the de-cendants of such as are dead. In each case the de-cendants of any of his children who may be dead shall take only the share their parents would have taken if alive.

Item 5: I give and bequeath to such of the children of Susan Ellis of Muskingum county, Ohio as shall be living at the time of my death, and to the de-cendants of such as are dead, the sum of ten thousand dollars, in each case the de-cendants of any of her children who may be dead, shall take only the share their parents would have taken if alive.

Item 6: I give and bequeath the sum of ten thousand dollars to the children of my late niece Margaret A. Terry, and to the de-cendants of any of her children who may be dead. In each case the de-cendants of any of her children who may be dead shall take only the share their parents would have taken if alive.

Item 7: I give and bequeath the sum of ten thousand dollars to the children of Minerva Gorsuch and to the de-cendants of any of her children that may be dead. In that case the de-cendants of any of her children who may be dead shall take only the share their parents would have taken if alive.

Item 8: I give and bequeath the sum of ten thousand dollars to Debora Horton, Mary E. Horton, Abraham J. Horton, Smith Horton, Marvin Nash Horton or to the survivors of them share and share alike.

Item 9: I give and bequeath the sum of one thousand dollars to George W. Nash, son of my brother George Nash.

90 Item 10: I give and bequeath to the wardens and vestrymen of St. John's Protestant Episcopal church of La Fayette, Ind., the sum of ten thousand dollars, in trust nevertheless, to be invested in good productive personal property or secured by first mortgage upon good productive real estate, and the net income thereof, shall be by them semi-annually paid over to the rector of said church. And this bequest is made upon the express condition that the sum hereby bequeathed shall never be diminished. And should said sum ever become diminished by loss or otherwise then it shall be the duty of such corporation to make up such loss and upon failure to do so for a period of two years from the time the same shall be ascertained, then this bequest shall cease and the remaining portion shall vest in my sister Mary E. Wood, if living, and if she be dead, in my niece Mary E. Andress and her de-cendants.

Item 11: I give and bequeath the sum of ten thousand dollars to the McIntyre Children's home of Zanesville, Ohio.

Item 12: I give and bequeath the sum of ten thousand dollars to the Good Samaritan hospital of Cincinnati, Ohio, formerly under the charge of Sister Anthony.

Item 13: I give and bequeath the sum of five thousand dollars

to the Widows' home at Ashland avenue and McMillan street, Walnut Hills, Cincinnati, Ohio, and the sum of five thousand dollars to the Old Men's home located at Ashland avenue and McMillan street in Walnut Hills, Cincinnati, Ohio.

Item 14: I give and bequeath the sum of ten thousand dollars to the Children's hospital of the Protestant Episcopal church of the diocese of southern Ohio.

Item 16. I give and bequeath the sum of ten thousand dollars to the Cincinnati orphan asylum, located at the south-west corner of Auburn avenue and Wellington place, Mt. Auburn, Cincin-
91 nati, Ohio.

Item 17: I give and bequeath to Wm. R. Coffroth and Besse Coffroth or the survivor of them, children of my old friend John R. Coffroth, the sum of two thousand dollars. And in view of the long and intimate acquaintance and friendship between him and myself, I hereby direct my trustees and executors herein named to retain the said John R. Coffroth as their legal and confidential adviser.

Item 18: As a token of my respect I give and bequeath the sum of two thousand dollars to my young friend Thomas A. Stuart.

Item 19: I give and bequeath the sum of two thousand dollars to my friend James Buck.

Item 20: I give and bequeath the sum of five thousand dollars to my old friend William Augustus Goodman.

Item 21: I give and bequeath the sum of five thousand dollars to my old friend John R. Coffroth for the kind acts and favors done to me.

Item 22: I give and bequeath to my trustees and the survivors and successors of them my iron box and safe, and other office furniture belonging to me, in my office, to be used by them as such trustees and no longer.

Item 23: The provisions herein made for my wife Frances V. Nash, I hereby declare to be in lieu of all her right title and interest in my estate, either real or personal.

Item 24: I give and bequeath to my niece Mary E. Andress, my gold watch and chain for and during her natural life, and at her death to her eldest son then living, then to her eldest daughter then living. I give and bequeath my diamond pin to Hugh Coffroth Andress.

Item 25: I direct that I be buried where my children are buried in the burial lot I now own at White Plains, New York.

92 Item 26: I give and bequeath to my friend John F. Follet and Thomas H. Kelly of Cincinnati, Ohio the sum of five thousand dollars for their kind services and attention to me as old friends.

Item 27: I give and bequeath all the residue of my property of every kind and nature whatsoever and wheresoever situate, and not herein, (or by codicil hereafter) disposed of including all real estate in the State of Indiana or elsewhere to Charlotte G. Bushnell and

Mary E. Andress, but if either of them should be dead at my decease and shall have left no child or children (then to the survivor of them, and if either shall have died leaving a child or children) then such child or children shall take the parents' share.

Item 28: It is my will that in the event of any one or more of the legatees herein named instituting or causing to be instituted or counseling or aiding any proceedings or making any attempt whatsover to set aside or annul the foregoing will or any of its provisions, such legatee or legatees shall be hereby deprived of any and all benefits of this will, and all provisions thereof in his or her favor shall be thereby rendered null and void, and all such bequests shall thereafter become a part of my residuary estate.

Item 29: I hereby nominate and appoint as the executors of this my last will and testament, John R. Coffroth and Thomas A. Stuart of the city of La Fayette, Ind. and William Augustus Goodman of Cincinnati, Ohio.

Item 30: Having the most implicit confidence in the honesty and integrity of the executors herein named, and believing that they will faithfully and honestly discharge the duties herein imposed upon them, I hereby direct that said executors shall not be required to give any bond except as a mere form of law, and solely in
93 that view, they shall each execute a bond with surety, in the sum of one thousand dollars and no more. And I also hereby direct that the trustees herein named shall not be required to give bond.

Item 31: I leave to the judgment and discretion of the court in which my estate shall be settled the matter of fixing the compensation for the services which shall be rendered from time to time by the executors and trustees herein named.

Item 32: I give and bequeath the sum of ten thousand dollars to the trustees of Kenyon college, located at Gambier in the State of Ohio, to be by them invested in good productive personal securities or in first mortgages on improved real estate and the income thereof shall constitute what shall be known as the Nash scholarship, and so much thereof as shall be necessary shall be bestowed upon such worthy but needy student then in college, as shall be selected by the board of trustees in defraying his tuition and living expenses. I further direct that any residue of said income not needed for the tuition and living expenses of such student, shall be invested in the same manner as the principal, and when the income of such annual accumulations is sufficient to support another student, then I desire and it is my will, that such additional income be applied for that purpose.

In testimony whereof I have hereunto set my hand and seal this twenty-third day of July, one thousand eight hundred and ninety one.

JOB M. NASH. [SEAL.]

Signed, sealed and published by the said Job M. Nash to be his last will and testament on this twenty-third day of July one thousand eight hundred and ninety one, in our presence, who at the request of the said Job M. Nash, and in his presence and in the presence of each other have hereunto subscribed our names as witnesses thereto.

94 ERNST REHM,
Cincinnati, Ohio.
HOWARD A. SUTTON,
Wyoming, Ohio.

That said Nash was at the time of his death and he had been continuously for more than fifteen years before said time a citizen of and domiciled in the State of New York and a citizen of the United States and at no time during the years 1880 to 1893 both inclusive was he an inhabitant or citizen of the State of Indiana. That the said William A. Goodman mentioned in said will was before and at the time of the making of said will and ever since has been and still is a citizen of the United States and of the State of Ohio; that the said John R. Coffroth named in said will died July 21st 1895 and he was at the time of the execution of said will and he continued to be until the time of his death a citizen of the United States and of the State of Indiana and this defendant is now and has been for more than twenty years last past a citizen of the United States and of the State of Indiana.

That said will was admitted to probate August 1st 1893 in and by the probate court of Hamilton county in the State of Ohio and there has been no original or secondary probate of said will in any other State or country. That on the 1st day of August 1893 John R. Coffroth and William A. Goodman who were nominated as executors of said last will, were duly qualified by said probate court as executors thereof, and afterwards on the — day of ——, 1895 a final settlement of said estate of said Nash was allowed and declared by the judgment of said probate court, and there is not nor has there been any other administration of said estate or any part of it in any other State or country. That all and ever- of the Ohio notes,
95 foreign bonds and stocks assessed for taxes by the auditor as hereinafter alleged, and which were in the State of Indiana, were transferred to Cincinnati, Ohio and then delivered Aug. 9 1893 to the said Goodman as executor as aforesaid and not otherwise and they were not nor was either of them ever after the 9th day of August 1893 returned to or in the State of Indiana. That on the day last aforesaid all the Indiana notes assessed by said auditor as hereinafter alleged and then unpaid were delivered to the said John R. Coffroth one of said executors.

The defendant further says that by the terms of said will that said testator gave this defendant and William A. Goodman as trustees $268,000 in trust to invest and pay the net income therefrom to the beneficiaries in item one of said will named; and that the said

trust should continue until the death of certain of said beneficiari and said trust is still continuing. That this defendant and sa Goodman were duly qualified as such trustees by the judgment the probate court of said Hamilton county on the 1st day of Augu 1893 and they are still such trustees. That for the purpose of co stituting said trust fund the said executors on the — day of —— 18 in the city of Cincinnati in the State of Ohio paid in cash $54.89 a assigned and delivered to said trustees $190,184.16 of said bond $34,495.40 of said Ohio promissory notes and $43,265.58 of said I diana promissory notes, in all $268,000. That said Ohio notes we secured by mortgages on lands wholly in Ohio, and said Indian notes were secured by mortgages on lands exclusively in Indian and all of said bonds, notes and mortgages were payable to sa Nash or his order.

That all of said bonds were executed by corporations organize under the laws of the State of Ohio or Kentucky and were payab in the city of Cincinnati. The defendant further says that sa bonds were not nor were any of them at any time whatev
96 in the State of Indiana. Nor were they nor was either them at any time ever in or used in or about any business the State of Indiana. The defendant says the names of the make of said bonds so received by said trustees and the principal there are as follows:

Cincinnati Hospital bonds	$100,0
Newport water works	20,0
Cincinnati Inclined Plain R. R.	33,0
So. Cov. & Cincinnati St. R. R.	21,0

That all of said bonds were included in the assessment made b the auditor of Tippecanoe county hereinafter shown, for each of t years 1881 to 1893 both inclusive.

That the said Ohio notes and mortgages for $34,495.40 were ex cuted by citizens and inhabitants of Ohio and were all payable i Cincinnati and the makers, dates and amounts thereof are :—

May	2	1884.	Louis Cook Mfg. Co.	$125
Dec.	1	1884.	Huntington J. C.	50
Dec.	1	1884.	" "	50
May	22	1888.	Starbuck Alex.	45
"	"	1890.	" "	15
"	13	1893.	" "	35
June	19	1891.	U. S. Bung Mfg. Co.	20

The defendant further says that said Ohio notes are kept deposit in the city of Lafayette only and merely for convenien and safety and not otherwise, and they were not nor was eith of them at any time whatsoever invested, assigned, transferre pledged or used in or for any business in any form or manner wha ever in the State of Indiana or any other State; that every payme

of or on account of said notes and each of them was made in the State of Ohio and all the money so paid was deposited
97 to the credit of said Nash in and kept in Ohio. That said Ohio notes were embraced in the assessment by the said auditor hereinafter shown.

That the said Indiana notes and mortgages for $43,263.58 were executed by inhabitants of the State of Indiana and were payable in Indiana. The names of the makers, the dates and the principal of them respectively are as follows:—

Ducharm Francis Nov. 25 1892	$2250
Greensburg John Feb. 23 1892	5000
Vaughn Patrick O. Oct. 22 1892	1666.12
Shankland David Oct. 1 1891	3200
Bearce Margaret March 10 1893	1800
Earl Adams August 29 1883	5000
" " Nov. 25 1885	6000
Cassidy John Jan. 31 1893	1500
Turner Chas. Oct. 20 1891	750
Miller Geo. W. Oct. 1 1892	800
Johnson J. P. O. March 1 1892	550
Meeks Susan Jan. 13 1892	1007.16
Fowler Minerva Oct. 15 1885	12550

The defendant says said Indiana notes so transferred to said trustees were kept in Indiana for safety, convenience and collection and all collections of money made thereon were deposited in Lafayette and there kept subject to the order of said Nash. That the said Indiana notes were not nor were either of them at any time invested, assigned, transferred, pledged or used in or for any business in any form or manner whatever in the State of Indiana or any other State during the lifetime of said Nash. That said trustees have never had nor has either of them ever had or received any other cash bond, note or mortgage or other property that ever belonged to said Nash or his estate than said cash bonds notes
98 and mortgages delivered and paid to them as aforesaid.

That all the real estate chattels or tangible personal property of which the said Nash was owner in the State of Indiana prior to the time of his death was duly entered for taxation on the proper tax duplicate and assessed for taxes, and all taxes were duly paid in full according to the law and there is no tax unpaid on account thereof or any of it.

That said executors duly returned in Tippecanoe county a true and complete list of all notes and choses in action executed by or due from any person or corporation resident in or a citizen of the State of Indiana belonging to the estate of said Nash, and of all mortgages of said estate on any lands in Indiana and of all other personal property whatever of said estate in the State of Indiana, and the said executors paid in full according to law all taxes assessed thereon, and there is no tax unpaid on account thereof.

That the said trustees have returned full true and complete lists in Tippecanoe county for each and every year since the transfer of said trust property to them, of all notes mortgages or other choses in action belonging to said trust and owing from or executed by any inhabitant citizen or corporation of the State of Indiana and of all other personal property in or invested in any way in the State of Indiana, and all taxes assessed thereon have been paid and there are no taxes unpaid on account thereof. That said trustees have not nor have they nor has said trust ever had or owned any real estate.

The defendant further says that said trustees have not made any return for taxation in Indiana any bonds, notes mortgages, not on lands in Indiana or other choses in action of said trust pay-
99 able or executed by person, persons or corporations who were not inhabitants or citizens of Indiana, nor of any tangible property of said trust nor situate or located in Indiana. The defendant says, that the said trustees have not nor has either of them at any time engaged in or transacted any business in the estate last aforesaid except to loan a part of said trust funds according to and for the purposes of said will.

The defendant further says that since the constitution of said trust all and every note, bond, mortgage or other security or chose in action of said trust payable or executed by a citizen of Ohio or any other State than the State of Indiana have never been nor has either of them at any time been deposited or kept in the State of Indiana nor have they or either of them been pledged, invested, transferred or assigned or in any way used in business in Indiana, that they have been and each of them has been at all times deposited and kept in Cincinnati, Ohio by the said Goodman trustee as aforesaid.

The defendant further says that on the — day of April 1895, George A. Jamison who was then and still is the auditor of said Tippecanoe county prepared written notices to John R. Coffroth and William A. Goodman executors as aforesaid and James Buck one of said trustees as aforesaid and served one of said notices on the said Goodman in the State of Ohio and one on the said Coffroth and another on the said Buck in the city of Lafayette, and in each of said notices informed the said executors and said trustees that he as said auditor would assess them with and place against them on the proper tax duplicate of said Tippecanoe county according to section 8662 of the revised statutes of Indiana certain specified personal property for each of the years 1881 to 1893 both inclusive for
100 the reason that said property was owned by said Job M. Nash in his life time and said property had not been returned for taxation and had been omitted from the tax duplicate and that the same was taxable in said county of Tippecanoe.

That all of said alleged omitted property consisted exclusively of stocks, bonds and promissory notes and mortgages securing said notes and they were itemized and separately described in said notice

for each of said years in which any of them were alleged to have been omitted.

That afterwards on the 7th day of May 1895 said auditor placed any and all of said property on the said tax duplicate for each of said years in which the same was alleged to have been omitted, and the said auditor in so doing adjudged and determined that the value of each of said notes with the mortgage securing it and each of said bonds was of the cash value of each dollar of the unpaid principal of each of said notes and bonds and that the cash value of said stock was the face or par value thereof and said auditor made and entered on said tax duplicate his said assessment of said property on said basis and value for each of said years, and thereupon said auditor computed and extended the taxes on said assessment on said tax duplicate for each of said years 1881 to 1893 both inclusive in these words and figures:

Owner's name.	Year.	Chattels.	Total tax.
Job M. Nash estate.....	1881	388,190	4,076.00
John R. Coffroth, Wm. A. Goodman, executors.....	1882	430,940	4,524.87
	1883	445,979	5,396.34
	1884	474,981	5,632.27
James Buck, trustee	1885	493,311	5,327.75
.....	1886	559,431	6,041.85
.....	1887	574,041	6,199.64
.....	1888	597,041	6,925.67
101	1889	621,971	8,396.66
.....	1890	651,904	11,538.70
.....	1891	831,205	13,798.00
.....	1892	671,714	7,724.71
.....	1893	700,791	13,665.42

The defendant further says that all of said bonds, stocks and notes and mortgages securing said notes assessed as aforesaid and as specified in said notices for each of said years 1881 to 1893 both inclusive are herein numbered and itemized for convenience of reference and are as follows for each of said years:—

1881.

Item.	Property.	Name of debtor.
1	Note and mortgage.....	Lawrence Mary
2	" "	Handy F. W.
3	" "	"
4	" "	"
5	" "	"
6	" "	"
7	" "	Vogle F.
8	" "	Huntington J. C.
9	" "	"

10	"	"	.....	"
11	"	"	.....	"
12	"	"	.....	"
13	"	"	.....	"
14	"	"	.....	Corry T. F.
15	"	"	.....	Barger G. W.
16	"	"	.....	Kemper T.
17	"	"	.....	Lawrence C.
18	"	"	.....	Moliter A.
19	"	"	.....	McFarland J. F.

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20	Note and mortgage	.....	Wright W. K.
21	"	"	Wilder W.
22	Bonds	.....	Cin. Hospital
23	"	.....	Cin. S. Ry.
24	"	.....	Newport Water Work
25	"	.....	C. & C. St. Ry.
26	"	.....	Oskosh Gas Co.
27	Stock	.....	P. Ft. W. & C. Ry.
28	Bonds	.....	Cin. Inc. Pl. St. Ry.
29	Notes and mortgage	.....	Kumler A. L. Todd M. J.

1882.

Item.	Property.		Name of debtor.
1	Notes and mortgage	.....	Lawrence Mary
2	"	"	Handy F. W.
3	"	"	"
4	"	"	"
5	"	"	"
6	"	"	"
7	"	"	Vogle F.
8	"	"	Huntington J. C.
9	"	"	"
10	"	"	"
11	"	"	"
12	"	"	"
13	"	"	"
14	"	"	Barger G. W.
15	"	"	Dizerens F.
16	"	"	"
17	"	"	Ohio Lodge No. 1
18	"	"	Ritchie F.

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19	Notes and mortgage	.....	Wilder W.
20	Bonds	.....	Cin. Hospital
21	"	.....	Cin. So. Ry.

22	"	.....	Newport Water Works
23	"	.....	C & C. St. Ry.
24	"	.....	Oskosh Gas Co.
25	"	.....	Cin. Inc. Pl. St. Ry.
26	Stocks	.....	P. Ft. W. & C. Ry
27	Notes and mortgage	.....	Kumler A. L.
28	" "	.....	Bartley J.
29	" "	.....	Todd M. J.

1883.

Item.	Property.		Name of debtor.
1	Note and mortgage	.....	Lawrence Mary
2	" "	.....	Handy
3	" "	.....	Louis Kook Mfg. Co.
4	" "	....	Handy F. W.
5	" "	.....	"
6	" "	.....	"
7	" "	.....	"
8	" "	....	Vogle F.
9	" "	.....	Huntington J. C.
10	" "	....	"
11	" "	.....	"
12	" "	.....	"
13	" "	.....	"
14	" "	.....	"
15	" "	.....	Barger G. W.
16	" "	....	Dizerens F.
17	" "	.....	"
18	" "	.....	Cin. Lodge No. 1
19	" "	.....	Ritchie J.

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20	Bonds	.....	Cin. Hospital
21	"	....	Cin. So. Ry.
22	"	.....	Newport Water Works
23	"	....	C. & C. St. Ry.
24	"	.....	Oskosh Gas Co.
25	"	....	Cin. Inc. Pl. Ry.
26	Stocks	.....	P. Ft. W. & C. Ry.
27	Note and mortgage	.....	Kumler A. L.
28	" "	....	Bartley J.
29	" "	.....	Todd M. J.
30	" "	.....	Crider M.

1884.

1	Notes and mortgages	.....	Stall B.
2	" "	....	Lawrence Mary
3	" "	.....	Handy ——

4	"	"	.....	Louis Cook Mfg. Co.
5	"	"	.....	Handy F. W.
6	"	"	.....	"
7	"	"	.....	"
8	"	"	.....	"
9	"	"	.....	Vogle F.
10	"	"	.....	Huntington J. C.
11	"	"	.....	"
12	"	"	.....	"
13	"	"	.....	"
14	"	"	.....	"
15	"	"	.....	"
16	"	"	.....	Carlisle J.
17	"	"	.....	Barger G. W.
18	"	"	.....	Crabs J. H.
19	"	"	.....	Diserens F.
20	"	"	.....	"

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21	Note and mortgages		.....	Cin. Lodge No. 1
22	"	"	.....	Ritchie J.
23	Bonds		.....	Cin. Hospital.
24	"		.....	Cin. So. Ry.
25	"		.....	Newport Water Works
26	"		.....	C & C Ry.
27	"		.....	Oskosh Gas Co.
28	"		.....	Cin. Inc. Pl. St. Ry.
29	Stock		.....	P. Ft. W. & C. Ry.
30	Note and mortgage		.....	Kumler A. L.
31	"	"	.....	McCone
32	"	"	.....	Bartley J.
33	"	"	.....	Todd M.
34	"	"	.....	Crider M.
35	"	"	.....	Lamers H.
36	"	"	.....	Earl Adams

1885.

1	Note and mortgage		.....	Stall B.
2	"	"	.....	Handy F. W.
3	"	"	.....	Cook Mfg. Co.
4	"	"	.....	Handy F. W.
5	"	"	.....	"
6	"	"	.....	"
7	"	"	.....	"
8	"	"	.....	Huntington J. C.
9	"	"	.....	"
10	"	"	.....	"
11	"	"	.....	"
12	"	"	.....	"

13	"	"	"
14	"	"	Carlisle J.
15	"	"	Walters J. N.

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16	Note and mortgage		Barger G. W.
17	"	"	Crabs J. H.
18	"	"	Deserens F.
19	"	"	"
20	"	"	Cin. Lodge No. 1
21	"	"	Richie J.
22	Bonds		Cin. Hospital.
23	"		Cin. So. Ry.
24	"		Water Works
25	"		C. & C. St. Ry.
26	"		Oskosh Gas Co.
27	"		Cin. Inc. Pl. St. Ry.
28	Stocks		P. Ft. W. & C. Ry.
29	Note and mortgages		Kumler A. L.
30	"	"	Borum N. O.
31	"	"	Todd M. J.
32	"	"	Crider M.
33	"	"	Lamers H.
34	"	"	Earl A.

1886.

Item.	Property.		Name of debtor.
1	Note and mortgage		Andrews R.
2	"	"	Burnette W.
3	"	"	Young Lizzie
4	"	"	McDonald L. J.
5	"	"	Stall B.
6	"	"	Handy F. W.
7	"	"	Huntington J. C.
8	"	"	"
9	"	"	"
10	"	"	"
11	"	"	"
12	"	"	"

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13	Note and mortgage		Huntington J. C.
14	"	"	"
15	"	"	Carlisle J.
16	"	"	Waters J. M.
17	"	"	Burchardt L.
18	"	"	Calvert J.
19	"	"	Seymour L.
20	"	"	Crawford H. W.

21	"	"	Barger G. W.
22	"	"	Carbs J. H.
23	"	"	Diserens F.
24	"	"	"
25	"	"	Cin. Lodge No. 1
26	"	"	Ritchie J.
27	Bonds		Cin. Hospital
28	"		Cin. So. Ry.
29	"		Water Works
30	"		C. & C. St. Ry.
31	"		Oskosh Gas
32	"		Cin. Inc. Pl. St. Ry.
33	Stocks		P. Ft. W. & C. Ry.
34	Note and mortgage		Kumler A. H.
35	"	"	Shelby J. B.
36	"	"	Borum N. O.
37	"	"	Todd M. J.
38	"	"	Crider M.
39	"	"	Lamers H.
40	"	"	Earl A.
41	"	"	Earl A.
42	"	"	Fowler M.

108 1887.

Item.			Name of debtor.
1	Note and mortgage		Andrews R.
2	"	"	Burnette W.
3	"	"	Young Lizzie
4	"	"	McDonald J. W.
5	"	"	Hurd R. R.
6	"	"	Burnette A.
7	"	"	Stall B.
8	"	"	Feldhause D.
9	"	"	Handy F. W.
10	"	"	Cook Mfg. Co.
11	"	"	Handy F. W.
12	"	"	Huntington J. C.
13	"	"	"
14	"	"	"
15	"	"	"
16	"	"	"
17	"	"	"
18	"	"	Carlisle, J.
19	"	"	"
20	"	"	Waters J. M.
21	"	"	Burkhart L.
22	"	"	Calvert L.
23	"	"	Seymour A.

4	"	"	.....	Scanlon S. J.
5	"	"	.....	Crawford H. W.
6	"	"	.....	Gordon R. H.
7	"	"	.....	Barger G. W.
8	"	"	.....	Cin. Lodge No. 1
9	"	"	.....	Busby J.
0	"	"	.....	Bradstreet B. P.

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1	Note and mortgage		.....	Krapp H.
2	"	"	.....	Moening W.
3	"	"	.....	Roth G. W.
4	"	"	.....	Radcliff B. P.
5	"	"	.....	"
6	"	"	.....	Thompson W. A.
7	"	"	.....	Vanosdal F. C.
8	"	"	.....	Wetenkamp
9	Bonds		.....	Cin. Hospital.
0	"		.....	Cin. So. Ry.
1	"		.....	Newport Water W.
2	"		.....	C. & C. St. Ry.
3	"		.....	Oskosh Gas
4	"		.....	Cin. Inc. Pl. St. Ry.
5	Stocks		.....	P. Ft. W. & C. Ry.
6	Note and mortgage		.....	Kumler A. L.
7	"	"	.....	Falvey M. F.
8	"	"	.....	Shelby J. B.
9	"	"	.....	Borum N. O.
0	"	"	.....	Todd M. J.
1	"	"	.....	Crider M.
2	"	"	.....	Lamers H.
3	"	"	.....	Markel A.
4	"	"	.....	Earl A.
5	"	"	.....	Earl A.
6	"	"	.....	Fowler M.

1888.

1	Note and mortgage		.....	Andrews R.
2	"	"	.....	Burnette W.
3	"	"	.....	Young L.
4	"	"	.....	McDonald W. B.

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tem.	Property.			Name of debtor.
5	Note and mortgage		.....	Hurd R.
6	"	"	.....	Burnette A.
7	"	"	.....	Stall B.
8	"	"	.....	Feldhause D.
9	"	"	.....	Handy F. W.

10	"	"	Cook Mfg. Co.
11	"	"	Handy F. W.
12	"	"	McLaughlin Mary
13	"	"	Huntington J. C.
14	"	"	"
15	"	"	"
16	"	"	"
17	"	"	"
18	"	"	"
19	"	"	Carlisle J.
20	"	"	"
21	"	"	Waters J.
22	"	"	Sage G. L.
23	"	"	Thomas L. B.
24	"	"	Mendehall O. B.
25	"	"	Burkhardt L.
26	"	"	Calvert L.
27	"	"	Thornton E. M.
28	"	"	West H. W.
29	"	"	Foley M.
30	"	"	Steele C. M.
31	"	"	Blymer C. L.
32	"	"	Peters R.
33	"	"	Scanlon S. J.
34	"	"	Crawford H. W.
35	"	"	Gordon R. H.

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Item.	Property.	Name of debtor.
36	Note and mortgage	Barger G. W.
37	" "	Bosworth H.
38	" "	Cin. Lodge No. 1
39	" "	Ashman A. B.
40	" "	Krapp H.
41	" "	Mitchell F. J.
42	" "	"
43	" "	Moening Wm.
44	" "	Roth G. W.
45	" "	Riemchneider B.
46	" "	Radcliff B. D.
47	" "	"
48	" "	Vanorsdol F. C.
49	" "	Wetenkamp J. H.
50	Bonds	Cin. Hospital
51	"	Cin. So. Ry.
52	"	Newport Water
53	"	C. & C. St. Ry.
54	"	Oskosh Gas
55	"	Cin. Inc. Pl. St. Ry.

6	Stocks	.....	P. Ft. W. & C. Ry.
7	Note and mortgage	.....	Kumler A. L.
8	" "	.....	Falvey F. M.
9	" "	.....	Shelby J. B.
0	" "	.....	Jones C.
1	" "	.....	Todd M. J.
2	" "	.....	Lamers H.
3	" "	.....	Markel A.
4	" "	.....	Borum N. O.
5	" "	.....	Earl A.
6	" "	.....	Earl A.

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tem.	Property.		Name of debtor.
7	Note and mortgage	.....	Fowler M.

1889.

1	" "	.....	Burnette W.
2	" "	.....	Young L.
3	" "	.....	Hurd R.
4	" "	.....	Burnette A.
5	" "	.....	Stall B.
6	" "	.....	Mitchell F. J.
7	" "	.....	"
8	" "	.....	"
9	" "	.....	"
10	" "	.....	Feldhause D.
11	" "	.....	Handy F. W.
12	" "	.....	Cook Mfg. Co.
13	" "	.....	Handy F. W.
14	" "	.....	McLaughlin Mary.
15	" "	.....	Huntington J. C.
16	" "	.....	"
17	" "	.....	"
18	" "	.....	"
19	" "	.....	"
20	" "	.....	"
21	" "	.....	Carlisle J.
22	" "	.....	"
23	" "	.....	Sage G. L.
24	" "	.....	Mendenhall O.
25	" "	.....	Thomas L. B.
26	" "	.....	Calvert J.
27	" "	.....	Foley M.
28	" "	.....	Steele C.

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Item.	Property.	Name of debtor.
29	Note and mortgage	Blymyer C. L.
30	" "	Peters R.
31	" "	Scanlon S. J.
32	" "	Crawford H. W.
33	" "	Starbuck A.
34	" "	Gordon R. H.
35	" "	Smith A. D.
36	" "	Koester H.
37	" "	Young C.
38	" "	Charles L. H.
39	" "	Betts A.
40	" "	Marcy J. W.
41	" "	Beresford R. J.
42	" "	Barger G. W.
43	" "	Bosworth H. S.
44	" "	Cin. Lodge No. 1
45	" "	Ashman A. B.
46	" "	Buss J.
47	" "	Bradstreet E. P.
48	" "	Gray J. H.
49	" "	Holliday G. V.
50	" "	Mitchell F. J.
51	" "	Moening W.
52	" "	Roth G.
53	" "	Vanosdol F. C.
54	" "	Wetenkamp J. H.
55	" "	Handy W. T.
56	Bonds	Cin. Hospital
57	"	Cin. So. Ry.
58	"	Newport Water
59	"	C. & C. St. Ry.

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Item.	Property.	Name of debtor.
60	Bonds	Oskosh Gas
61	"	Cin. Inc. Pl. St. Ry.
62	Stocks	P. Ft. W. & C. Ry.
63	Note and mortgage	Kumler A. L.
64	" "	Falvey M. F.
65	" "	Layden J.
66	" "	Shelby J. B.
67	" "	Jones C.
68	" "	Todd M. J.
69	" "	Lamers H.
70	" "	Markel A.
71	" "	Borum N. O.

2	"	"	....	Earl A.
3	"	"	....	Earl A.
4	"	"	....	Fowler M.

1890.

Item.	Property.			Name of debtor.
1	Note and mortgage		.....	Burnette W.
2	"	"	.....	Young L.
3	"	"	.....	Burnette A.
4	"	"	.....	Stall B.
5	"	"	.....	Mitchell F. J.
6	"	"	.....	"
7	"	"	.....	"
8	"	"	.....	"
9	"	"	.....	Feldhause D.
10	"	"	.....	Handy F. W.
11	"	"	.....	Cook Mfg. Co.
12	"	"	.....	Handy F. W.
13	"	"	.....	McLaughlin Mary
14	"	"	.....	Huntington J. C.
115				

Item.	Property.			Name of debtor.
15	Note and mortgage		.....	Huntington J. C.
16	"	"	.....	"
17	"	"	.....	"
18	"	"	.....	"
19	"	"	.....	Carlisle J.
20	"	"	.....	"
21	"	"	.....	Thomas L. B.
22	"	"	.....	Thornton E. M.
23	"	"	.....	West H. M.
24	"	"	.....	Foley M.
25	"	"	.....	Steele C. M.
26	"	"	.....	Blymyer C. L.
27	"	"	.....	Peters R.
28	"	"	.....	Scanlon S. J.
29	"	"	.....	Crawford H. W.
30	"	"	.....	Starbuck A.
31	"	"	.....	Gordon R. H.
32	"	"	.....	Smith A. D.
33	"	"	.....	Young C.
34	"	"	.....	Charles Lizzie
35	"	"	.....	Betts A.
36	"	"	.....	Marcey J. W.
37	"	"	.....	Keyts S. D. H.
38	"	"	.....	Case C. W.
39	"	"	.....	Corry T. F.
40	"	"	.....	Klayer F. H.

41	"	"	..... Ludlow J.
42	"	"	..... Williams J.
43	"	"	..... McLean J.
44	"	"	..... Stroble A. C.
45	"	"	..... Stark G. W.

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Item.	Property.	Name of debtor.
46	Note and mortgage.....	Beresford R. J.
47	" "	Barger G. W.
48	" "	Bosworth H. S.
49	" "	Cin. Lodge No. 1
50	" "	Buss J.
51	" "	Bradstreet E. P.
51½	" "	Gray J. H.
52	" "	Holliday G. H.
53	" "	Moening Wm.
54	" "	Vanosdol F. C.
55	" "	Wetenkamp J. H.
56	" "	Handy W. T.
57	" "	Cin. Hospital
58	" "	Cin. So. Ry.
59	" "	Newport Water.
60	" "	C. & C. St. Ry.
61	" "	Oskosh Gas
62	" "	Cin. Inc. Pl. St. Ry.
63	Stocks.....	P. Ft. W. & C. Ry.
64	Note and mortgage.....	Kumler A. L.
65	" "	Layden J.
66	" "	Moran M.
67	" "	Shelby J. B.
68	" "	Jones C.
69	" "	Lamers H.
70	" "	Markle A.
71	" "	Borum N. O.
72	" "	Earl A.
73	" "	Earl A.
74	" "	Fowler M.

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1891.

Item.	Property.	Name of debtor.
1	Note and mortgage.....	Huntington F.
2	" "	"
3	" "	"
4	" "	"
5	" "	"
6	" "	"
7	" "	"

8	"	"	.....	Burnette W.
9	"	"	.....	Young L.
10	"	"	.....	Burnette A.
11	"	"	.....	Stall B.
12	"	"	.....	Mitchell F. J.
13	"	"	.....	"
14	"	"	.....	"
15	"	"	.....	"
16	"	"	.....	Feldhause D.
17	"	"	.....	Handy F. W.
18	"	"	.....	Cook Mfg. Co
19	"	"	.....	Handy F. W.
20	"	"	.....	McLaughlin Mary
21	"	"	.....	Huntington J. C.
22	"	"	.....	"
23	"	"	.....	"
24	"	"	.....	"
25	"	"	.....	Carlisle J.
26	"	"	.....	"
27	"	"	.....	Thornton E. M.
28	"	"	.....	West H. M.
29	"	"	.....	Foley M.
30	"	"	.....	Steele C. M.

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Item.	Property.			Name of debtor.
31	Note and mortgage		.....	Blymyer C. L.
32	"	"	.....	Peters R.
33	"	"	.....	Scanlon S. J.
34	"	"	.....	Crawford H.
35	"	"	.....	Starbuck A.
36	"	"	.....	"
37	"	"	.....	Gordon R. H.
38	"	"	.....	Smith A. D.
39	"	"	.....	Young L.
40	"	"	.....	Charles L. H.
41	"	"	.....	Betts A.
42	"	"	.....	Keyts M.
43	"	"	.....	Case C. W.
44	"	"	.....	Corry T. F.
45	"	"	.....	Ludlow J.
46	"	"	.....	Williams J.
47	"	"	.....	McLean J.
48	"	"	.....	Stroble A. C.
49	"	"	.....	Stark G. W.
50	"	"	.....	Dawer H.
51	"	"	.....	Rankin C. L.
52	"	"	.....	Beresford E.
53	"	"	.....	Kinsey E. A.

54	"	"	.....	Hall A.
55	"	"	.....	Brockman C. E.
56	"	"	.....	Beresford R. C.
57	"	"	.....	Barger G. W.
58	"	"	.....	Bosworth H. S.
59	"	"	.....	Cin. Lodge No. 1
60	"	"	.....	Bradstreet E. P.
61	"	"	.....	Gray J. H.

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Item.	Property.			Name of debtor.
62	Note and mortgage		.....	Holliday G. V.
63	"	"	.....	Underwood G. W.
64	"	"	.....	Vanosdol F. C.
65	"	"	.....	Wetenkamp J. H.
66	"	"	.....	Handy W. T.
67	Bonds		.....	Cin. Hospital
68	"	.....	.....	Cin. So. Ry.
69	"	.....	.....	Newport Water
70	"	.....	.....	C. & C. St. Ry.
71	"	.....		Oskosh Gas
72	"	.....	.....	Cin. Inc. Pl. St. Ry.
73	Stocks		.....	P. Ft. W. & C. Ry.
74	Note and mortgage		.....	Lyden J.
75	"	"	.....	Moran M.
76	"	"	.....	Flaugher W. J.
77	"	"	.....	Flaugher D. S.
78	"	"	.....	Shelby J. B.
79	"	"	.....	Jones C.
80	"	"	.....	Lamers H.
81	"	"	.....	Markle A.
82	"	"	.....	Borum N. O.
83	"	"	.....	Earl A.
84	"	"	.....	"
85	"	"	.....	Fowler M.

1892.

Item.	Property.			Name of debtor.
1	Note and mortgage		.....	Huntington F.
2	"	"	.....	"
3	"	"	.....	"
4	"	"	.....	"

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Item.	Property.			Name of debtor.
5	Note and mortgage		.....	Huntington F.
6	"	"	.....	"
7	"	"	.....	"
8	"	"	.....	Burnette W.

9	"	"	.....	Burnette A.
10	"	"	.....	Stall B.
11	"	"	.....	Mitchell F. J.
12	"	"	.....	"
13	"	"	.....	"
14	"	"	.....	"
15	"	"	.....	Feldhause D.
16	"	"	.....	Handy F. W.
17	"	"	.....	Cook Mfg. Co.
18	"	"	.....	Handy F. W.
19	"	"	.....	McLaughlin Mary
20	"	"	.....	Huntington J. C.
21	"	"	.....	"
22	"	"	.....	"
23	"	"	.....	Vogle E. M.
24	"	"	.....	Carlisle J.
25	"	"	.....	"
26	"	"	.....	Thornton E. M.
27	"	"	.....	West H. M.
28	"	"	.....	Steele C. M.
29	"	"	.....	Blymyer C. L.
30	"	"	.....	Peters R.
31	"	"	.....	Miller E.
32	"	"	.....	Scanlon S. J.
33	"	"	.....	Starbuch A.
34	"	"	.....	"
35	"	"	.....	"

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Item.	Property.			Name of debtor.
36	Note and mortgage		.....	Gordon R. H.
37	"	"	.....	Young C.
38	"	"	.....	Charles L. H.
39	"	"	.....	Betts A.
40	"	"	.....	Case C. W.
41	"	"	.....	Corry T. P.
42	"	"	.....	Ludlow J.
43	"	"	.....	Williams J.
44	"	"	.....	Stroble A. C.
45	"	"	.....	Stark G. W.
46	"	"	.....	Rankin C. L.
47	"	"	.....	Beresford E.
48	"	"	.....	Kinsey E. A.
49	"	"	.....	Hall A.
50	"	"	.....	Brockman C. E.
51	"	"	.....	Smith E. A.
52	"	"	.....	Cameron J. G.
53	"	"	.....	Campbell T. E.

54	"	"	.....	Beresford R. J.
55	"	"	.....	Huntington D. W.
56	"	"	.....	"
57	"	"	.....	Rankin A.
58	"	"	.....	Keck S.
59	"	"	.....	Billings F. I.
60	"	"	.....	Barger G. W.
61	"	"	.....	Bosworth H. W.
62	"	"	.....	Alder C.
63	"	"	.....	Bradstreet E. P.
64	"	"	.....	"
65	"	"	.....	Fuchs H.
66	"	"	.....	"

Item.	Property.			Name of debtor.
67	Note and mortgage		.....	Fuchs H.
68	"	"	.....	"
69	"	"	.....	"
70	"	"	.....	Gray J. H.
71	"	"	.....	Thompson W. A.
72	"	"	.....	Underwood G. W.
73	"	"	.....	Vanosdol F. C.
74	"	"	.....	Vogle E. M.
75	"	"	.....	Handy W. T.
76	Bonds		.....	Cin. Hospital
77	"	.....		Cin. So. Ry.
78	"	.....		Newport Water
79	"	.....		C. & C. St. Ry.
80	"	.....		Oskosh Gas
81	"	.....		Cin. Inc. Pl. St. Ry.
82	Stock	.....		P. Ft. W. & C. Ry.
83	Note and mortgage		.....	Shanklin D.
84	"	"	.....	Sheedy
85	"	"	.....	Smalley S.
86	"	"	.....	Storms A. B.
87	"	"	.....	Ansler H.
88	"	"	.....	Johnson J. P. O.
89	"	"	.....	Kumler A. L.
90	"	"	.....	Lyden J.
91	"	"	.....	Moran M.
92	"	"	.....	Flaugher W. J.
93	"	"	.....	" D. S.
94	"	"	.....	Turner C.
95	"	"	.....	Meek S.
96	"	"	.....	Greenburg J. C.
97	"	"	.....	Shelby J. B.
98	"	"	.....	Jones C.

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1892.

Item.	Property.	Name of debtor.
99	Note and mortgage.....	Lamers H.
100	" "	Cutrill J. L.
101	" "	Borum N. O.
102	" "	Earl A.
103	" "	Earl A.
104	" "	Fowler M.

1893.

Item.	Property.	Name of debtor.
1	Note and mortgage.....	Huntington F.
2	" "	"
3	" "	"
4	" "	"
5	" "	"
6	" "	"
7	" "	"
8	" "	Burnette W.
9	" "	" A.
10	" "	Stall B.
11	" "	Mitchell F. J.
12	" "	"
13	" "	Feldhause D.
14	" "	Handy F. W.
15	" "	Cook Mfg. Co.
16	" "	Handy F. W.
17	" "	Huntington J. C.
18	" "	"
19	" "	Vogle E. M.
20	" "	Carlisle J.
21	" "	"
22	" "	Thornton E. M.
23	" "	West H. M.

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Item.	Property.	Name of debtor.
24	Note and mortgage..... ..	Steele C.
25	" "	Blymyer C. L.
26	" "	Peters R.
27	" "	Miller E.
28	" "	Scanlon S. J.
29	" "	Starbuck A.
30	" "	"
31	" "	"
32	" "	Gordon R. H.
33	" "	Young C.
34	" "	Charles L. H.

35	"	"	.....	Betts A.
36	"	"	.....	Case C.
37	"	"	.....	Corry T. F.
38	"	"	.....	Ludlow J.
39	"	"	.....	Williams J.
40	"	"	.....	Stroble A.
41	"	"	.....	Stark G. W.
42	"	"	.....	Rankin C. L.
43	"	"	.....	Beresford E.
44	"	"	.....	Kinsel E. A.
45	"	"	.....	Hall A.
46	"	"	.....	Brockman C. E.
47	"	"	.....	Smith E. A.
48	"	"	.....	Cameron J. G.
49	"	"	.....	Campbell T. C.
50	"	"	.....	Beresford R. J.
51	"	"	.....	Huntington D. W.
52	"	"	.....	"
53	"	"	.....	Rankin A. B.
54	"	"	.....	Keck S.

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1893.

Item.	Property.			Name of debtor.
55	Note and mortgage		.....	Billings F. J.
56	"	"	.....	Leighton J. A.
57	"	"	.....	Maxwell S. M.
58	"	"	.....	Jones J. C.
59	"	"	.....	Thompson P. G.
60	"	"	.....	Cox J.
61	"	"	.....	Sisters of Poor
62	"	"	.....	Brankamp E.
63	"	"	.....	Barger G. W.
64	"	"	.....	Bosworth H. S.
65	"	"	.....	Neff W.
66	"	"	.....	Adler C.
67	"	"	.....	Bradstreet E. P.
68	"	"	.....	"
69	"	"	.....	Fuchs H.
70	"	"	.....	"
71	"	"	.....	"
72	"	"	.....	"
73	"	"	.....	" (Thompson)
74	"	"	.....	Gray J. H.
75	"	"	.....	Thompson W. A.
76	"	"	.....	Underwood G. W.
77	"	"	.....	Vanosdol F. C.
78	"	"	.....	Vogle E. M.
79	"	"	.....	Handy W. T.

80	Bonds	Cin. Hospital
81	"	Cin. So. Ry.
82	"	Newport Water
83	"	C. & C. St. Ry.
84	"	Oskosh Gas
85	"	Cin. Inc. Pl. St. Ry.

126 1893.

Item.	Property.	Name of debtor.
86	Stocks	P. Ft. W. & C. Ry.
87	Note and mortgage	Smith O. H.
88	" "	Shonkwiler E. E.
89	" "	Shackleton J.
90	" "	Deirce M.
91	" "	Sheedy J.
92	" "	Smalley L.
93	" "	Ducharm F.
94	" "	White C.
95	" "	Ansler H.
96	" "	Fisher L.
97	" "	Shirk J.
98	" "	Cassidy J.
99	" "	Harkrider U. L.
100	" "	Shanklin D.
101	" "	Flaugher D. S.
102	" "	Storms A. B.
103	" "	Johnson J. P. O.
104	" "	Miller G. W.
105	" "	Fullerton D. H.
106	" "	Moran M.
107	" "	Flaugher W. J.
108	" "	Flaugher D.
109	" "	Turner C.
110	" "	Meeks S.
111	" "	Greenburg J. C.
112	" "	Shelby J. B.
113	" "	Jones C.
114	" "	Lamers H.
115	" "	Cutrill J. L.
116	" "	Borum N. O.

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Item.	Property.	Name of debtor.
117	Note and mortgage	Earl A.
118	" "	"
119	" "	Fowler M.

That all of said notes and the mortgages assessed as aforesaid by said auditor executed to or owned by said Nash were executed by inhabitants and citizens of the State of Indiana or the State of Ohio; that the said notes and mortgages executed by citizens of Ohio were all executed and payable in Ohio and the mortgages securing the same were exclusively on lands in Ohio and the said notes and mortgages executed by citizens and inhabitants of Indiana were payable and executed in Indiana and said mortgages securing them were on lands wholly in Indiana and for convenience said notes and mortgages executed by citizens of Ohio will be called Ohio notes and said notes and mortgages executed by citizens or inhabitants of Indiana will be called Indiana notes.

That all of said bonds and stock- assessed as aforesaid will be called foreign bonds and stocks for convenience of reference. That all of said bonds and stocks assessed as aforesaid were executed and issued by corporations organized under the laws of Ohio or Kentucky and all the principal and interest and dividends thereof and thereon were payable in Cincinnati and that said bonds and stocks were and each of them *were* kept and deposited in Cincinnati and they were not nor was either of them ever in the State of Indiana at any time whatever during the year 1881 or at any time thereafter, and they were not nor was either of them ever used in any business in Indiana. And said bonds and stocks are the following numbered items for each of said years 1881 to 1893 both inclusive:—

128	For the year 1881	22 to 28	For the year 1888	40 to 56
	1882	20 to 26	1889	56 to 62
	1883	20 to 26	1890	57 to 63
	1884	23 to 29	1891	67 to 73
	1885	22 to 28	1892	76 to 82
	1886	27 to 33	1893	80 to 86
	1887	39 to 45		

The defendant says that of said notes comprised in said assessment the following numbered items thereof both inclusive for each of the years 1881 to 1893 both inclusive were Ohio notes, and were all of said Ohio notes.

For the year 1881	Item 1 to 21	For the year 1887	Item 1 to 38
1882	1 to 19	1888	1 to 49
1883	1 to 19	1889	1 to 49
1884	1 to 22	1890	1 to 56
1885	1 to 21	1891	1 to 66
1886	1 to 26	1892	1 to 75
		1893	1 to 79 & 94

The defendant further says that the said Ohio notes and foreign bonds and stocks were assessed for taxation in the State of Ohio and all taxes assessed thereon were paid in full and there is no unpaid

es in the State of Ohio on account of them or any of them. That said Nash acquired and became the owner of all of said Ohio es, foreign bonds and stocks in the State of Ohio by purchase or loan or investment of his money or property in the State of o in no case in the State of Indiana.

The defendant further says that the Ohio notes, apart from any those which may be hereafter excepted, were kept in Indiana for ty and convenience and not otherwise and that said Ohio notes were not nor was either of them at any time transferred pledged, assigned or used in whole or in part in any form or manner in any business whatever in Indiana or elsewhere dur- the life time of the said Nash and after he became the owner or ler or had any interest in them or any of them and that all ments made for or on account of the interest or principal on any aid Ohio notes were made in the State of Ohio and all money so d on account of the principal and interest was deposited and t in the State of Ohio and no part of said money so paid as esaid was transmitted to Indiana.

The defendant alleges that of said Ohio notes there were the fol- ing numbered items which were assessed as aforesaid for the owing amounts and for the following years respectively :—

1	Item	1.....	$2,500	1886	Item	20.....	$8,000
1	"	21.....	6,840	1887	"	25.....	8,000
2	"	1.....	2,500	"	"	30.....	4,000
	"	19.....	6,840	1889	"	41.....	2,500
3	"	1.....	2,500	"	"	45.....	5,000
	"	3.....	21,279	"	"	46.....	2,500
4	"	4.....	21,279				

l being a total assessment of $93,738.

The defendant avers that said Nash was not the holder or owner and he had no right title or interest in or to said notes last aforesaid either of them on or before the 1st day of April of said years for ich they were or either of them was assessed.

That of the said Ohio notes there were the following numbered ms which were assessed as aforesaid for the following years re- ctively:—

5	Item	14.....	$1,500
6	"	15.....	1,500
7	"	18.....	10,000
	"	19.....	1,500
	"	26.....	18,000
8	"	35.....	18,000

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ng a total assessment of $50,500.

The defendant says that said notes last aforesaid had never been r had either of them ever been in the State of Indiana on or fore the 1st day of April of the said year for which they were or her of them was assessed.

That of said Ohio notes there were the following numbered items which were assessed as aforesaid for the following amounts and for the following years respectively :—

1886	Item	5.....	$11,652	1891	Item	25.....	$10,000
1887	"	1.....	6,000	"	"	26.....	1,500
"	"	7.....	11,652	"	"	34.....	8,000
1888	"	1.....	6,000	"	"	56.....	2,500
"	"	5.....	3,000	"	"	58.....	7,000
1888	"	7.....	11,652	"	"	64.....	1,100
"	"	19.....	10,000	"	"	65.....	1,190
"	"	20.....	1,500	1892	"	10.....	11,652
1889	"	2.....	4,000	"	"	11.....	2,000
"	"	3.....	3,000	"	"	12.....	1,800
"	"	5.....	11,652	1892	"	15.....	4,900
"	"	10.....	4,900	"	"	16.....	2,000
"	"	21.....	10,000	"	"	18.....	2,000
"	"	22.....	1,500	"	"	20.....	5,000
"	"	24.....	1,000	"	"	21.....	5,000
"	"	45.....	1,800	"	"	22.....	5,000
"	"	50.....	1,800	"	"	24.....	10,000
"	"	51.....	1,200	"	"	25.....	1,500
"	"	52.....	3,700	"	"	36.....	18,000

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1889	Item	53.....	$1,100	1892	Item	70.....	$800
"		54.....	1,190	"		73.....	1,100
1890		2.....	4,000	1893		8.....	3,000
"		4.....	11,652	"		9.....	2,000
"		9.....	4,900	"		10.....	11,652
"		10.....	2,000	"		11.....	1,800
"		12.....	2,000	"		12.....	1,800
"		14.....	5,000	"		13.....	4,900
"		15.....	1,500	"		17.....	5,000
"		16.....	5,000	"		18.....	5,000
"		17.....	5,000	"		20.....	10,000
"		18.....	5,000	"		21.....	1,500
"		19.....	10,000	"		22.....	5,900
"		20.....	1,500	"		28.....	5,000
"		53.....	1,200	"		32.....	18,000
"		54.....	1,100	"		48.....	8,000
"		55.....	1,190	"		51.....	4,000
1891		9.....	4,000	"		67.....	4,000
"		11.....	11,652	"		69.....	1,400
"		16.....	4,900	"		70.....	1,400
"		21.....	5,000	"		74.....	800
"		22.....	5,000	"		76.....	400
"		23.....	5,000	"		77.....	1,100

and being a total assessment of $407,086.

That the notes last aforesaid and each of them had been sent or transferred from the State of Indiana to Cincinnati, Ohio, and before the 1st day of April of said year for which they were or any of them was assessed as aforesaid, and the defendant avers that all and every of said notes so transferred to Cincinnati were not nor was either of them ever returned to the State of Indiana, and that each
132 of said notes was in the State of Ohio on or before the first day of April of the said year for which it was assessed.

That of the said Ohio notes there were the following numbered items which were assessed as aforesaid for the following amounts and for the following years respectively:—

1891	Item	6.....	$5,000	1893	Item	6.....	$5,000
"	"	7.....	5,000	"	"	7.....	5,000
1892	"	6.....	5,000				
"	"	7.....	5,000				

and being a total assessment of $30,000.

The defendant says that the said Nash was never the owner or holder of and he had at no time any right title or interest in or to said notes last aforesaid or of either of them at any time.

That of the said Ohio notes there were the following numbered items assessed as aforesaid for the fol-owing amounts and for the following years respectively:—

1888	Item	37.....	$7,000	1892	Item	13.....	$2,000
	"	45.....	700	"		14.....	1,800
1889	"	8.....	2,000	"		61.....	7,000
"		9.....	1,800	"		67.....	1,800
"		43.....	7,000	"		68.....	1,200
1890		8.....	1,800	"		69.....	1,200
"		48.....	7,000	1893		14.....	2,000
1891		14.....	2,000	"		16.....	2,000
"		15.....	1,800	"		64.....	7,000
"		17.....	2,000	"		71.....	1,800
"		19.....	2,000	"		72.....	1,200
				"		73.....	1,200

and being a total assessment of $65,300.

The defendant says that the notes last aforesaid were not
133 nor was either of them ever at any time in the State of Indiana.

That the said Ohio notes being item 91 was assessed as aforesaid for $2000 for the year 1893 but the defendant avers that said Nash was not the owner or holder of and he never had any right title or interest to or in said note at any time during the year 1893.

The defendant further shows that of the said Ohio notes there were the following items which are erroneously assessed by the said auditor for the following sums which are severally above the cash value and in excess of the unpaid principal of said note so assessed and for the following years respectively:—

1882	Item	17	$18,000	1888	Item	44	$1,750
1883		18	18,000	"		46	1,000
1884		21	18,000	"		47	900
1885		1	5,781	"		48	550
"		3	16,279	"		49	500
"		20	18,000	1889		12	6,279
"		23	2,000			28	7,000
1886		7	6,279			34	12,000
"		17	1,620			44	18,000
"		25	18,000			49	450
"		36	13,500	1890		11	6,279
1887		8	3,267	"		22	2,900
"		10	6,279	"		25	1,000
"		21	1,620	"		31	12,000
"		28	18,000	"		43	1,000
"		49	13,000	"		49	18,000
1888		8	4,083	"		52	1,700
"		10	6,279			51½	266
"		25	1,620	1891		18	6,279

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1888	Item	27	$1,900	1891	Item	27	$3,900
"	"	30	2,000	"	"	30	1,000
"	"	38	18,000	"	"	37	15,000
"	"	40	1,000	"	"	47	1,000
1892	"	17	6,279	"	"	59	18,000
"	"	26	3,900	"	"	61	533
"	"	28	1,000	"	"	62	1,700
"	"	50	833	1893	"	15	6,279
"	"	62	200	"	"	24	1,000
"	"	72	200	"	"	46	1,666
"	"	75	$3,000	"	"	66	200
					"	79	3,000

and being a total erroneous assessment of $379,550.

The defendant further says that the following numbered items both inclusive for each of the said years respectively are all the Indiana notes assessed as aforesaid:—

1881	Items	29	and	30
1882	"	27	to	29
1883	"	27	"	30
1884	"	30	"	36
1885	"	29	"	34
1886	"	34	"	42
1887	"	46	"	56
1888	"	57	"	67
1889	"	63	"	74
1890	"	64	"	74

1891	"	74	" 85
1892	"	83	" 104
1893	"	87	" 119

except item 94 for the year 1893. That all of said Indiana notes were deposited and kept in the city of Lafayette, Indiana only and merely for safety, convenience and collection of the same; that said Indiana notes were not nor was either of them ever at any time invested, transferred or assigned or used in any business in any form or manner whatever in Indiana or elsewhere.

That all of said Indiana notes were, after they were severally executed and so long as any part of said note was unpaid, duly returned for taxation in said Tippecanoe county for each of said years 1881 to 1893 both inclusive and all taxes thereon were duly paid in full and no taxes are due or unpaid on account of said notes or any of them saving and excepting the following numbered items both inclusive of said Indiana notes so assessed as aforesaid by said auditor for the following years respectively were not returned for taxation in said Tippecanoe county :—

1881	Items 29 and 30
1882	" 27 to 29
1883	" 27 " 30
1884	" 30 " 26
1885	" 29 " 34
1886	" 34 " 42
1893	" 87, 88, 89, 90, 97, 98, 99, 101 and 105.

That and all of the every assessments, rates of taxation, taxes and penalties on said last numbered items of said Indiana notes for each of the years in which any of them are made and entered on the tax duplicate of said county of Tippecanoe are respectively as follows:—

		Assessment.	Rate.	Tax.	Penalty 10 %	Penalty 10%	Total.
1881.							
Item 29	Kumler A. L.....	$1000					
" 30	Todd M. J.....	600					
		$1600	105	16.80	1.68	1.00	19.48

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		Assessment.	Rate.	Tax.	Penalty.	Penalty.	Total
1882.							
Item 27	Kumler A. L.....	$1000					
" 28	Bartley J.....	700					
" 29	Todd M. J.....	600					
		2300	105	24.15	2.42	1.45	28.02
1883.							
Item 27	Kumler A. L.....	$1000					
" 28	Bartley J.....	700					
" 29	Todd M. J.....	600					
" 30	Crider M.....	600					
		2900	121	35.09	3.51	2.10	40.70
1884.							
Item 30	Kumler A. L.....	$1000					
" 31	McCone.....	1500					
" 32	Bartley J..... ...	700					
" 33	Todd M. J.....	600					
" 34	Crider M.....	600					
" 35	Lamers H.....	1350					
" 36	Earl A.....	5000					
		10750	119	127.92	12.79	7.67	148.38
1885.							
Item 29	Kumler A. L.....	$1000					
" 30	Borum N. O.....	1500					
" 31	Todd M. J.....	600					
" 32	Crider M.....	600					
" 33	Lamers H.....	1350					
" 34	Earl A.....	5000					
		10050	108	108.54	10.85	6.51	125.90
1886.							
Item 34	Kumler A. L.....	$1000					
" 35	Shelby J. B.....	4000					
" 36	Borum N. O.....	1500					

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		Assessment.	Rate.	Tax.	Penalty.	Penalty.	Total.
1886.							
Item 37	Todd M. J.....	600					
" 38	Crider M.....	600					
" 39	Lamers H.....	1350					
" 40	Earl A.....	5000					
" 41	Earl A.....	6000					
" 42	Fowler M.....	27000					
		47050	108	508.14	50.81	30.49	589.44

1893.

em 87	Smith O. H.....	$2500
" 88	Shonkwilder.....	3500
" 89	Shackleton.....	1500
" 90	Peirce M.....	1800
" 96	Fisher L.....	4000
" 97	Shirk.....	1100
" 98	Cassidy.....	1500
" 99	Harkrider.....	2000
" 101	Flaugher.....	1500
" 105	Fullerton	2000

21400 195 417.30 41.73 25.03 484.06

Total $1435.99

The defendant further says that heretofore on the 21st day of ctober, 1897, the total amount of all taxes and penalty and interest on account of all of said Indiana notes last aforesaid was 436.10 and that on the day last aforesaid the defendant in the fice of the treasurer of said county of Tippecanoe in the city of Lafayette and during the office hours prescribed by law for said office, ndered to the said treasurer the sum of $1436.10 in good and lawl money of the United States of America in payment of all the said taxes interest and penalties on the said Indiana notes last 38 aforesaid, that said treasurer then and there refused said tender of said sum of money so made as aforesaid, and the dendant now brings into court said sum of money and tenders the me in full payment of said taxes, interest and penalties on said ndiana notes last aforesaid.

The defendant further shows that the following numbered items said Indiana notes and which were duly returned for taxation in e life time of said Nash as aforesaid were erroneously assessed by id auditor in the following sums or amounts in excess of the unpaid rincipal of each of the said notes so erroneously assessed for each the following years:—

884	Item	31.....	$500	1892	Item	98.....	$4600
888	"	61.....	100	"	"	99.....	250
889	"	68.....	100	"	"	104.....	14450
890	"	65.....	416	1893	"	96.....	200
891	"	74.....	1666	"	"	102..... ...	150
"	"	80.....	150	"	"	106.....	533
"	"	75.....	266	"	"	107.....	200
"	"	79.....	4600	"	"	109.....	200
892	"	90.....	2083	"	"	110.....	792
"	"	91.....	533	"	"	113.....	4600
"	"	92.....	200	"	"	114.....	850
"	"	94.....	200	"	"	115.....	310
"	"	95.....	792	"	"	119.....	14450

nd all of the sum of $33,191.

The defendant further says that the following numbered items of said Indiana notes and which were duly returned for taxation in the life time of said Nash as aforesaid were assessed as aforesaid for the following amounts and for the following years respectively:—

1890	Item 71.....	$1000	1892	Item 89.....	$1000
1891	" 81.....	3700	1892	" 101.....	1000
1891	Item 82.....	$1000	1893	Item 108.....	2600
			"	" 116.....	1000

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The defendant says that each of the notes last aforesaid had been paid in full before the first day of April of the year for which it was assessed.

The defendant further says that said auditor assessed one of the said Indiana notes and being item 58 for the year 1888 for $2250. That said note was not executed or in existence until after the first day of April 1888.

The defendant further says that there is now and has been for more than a year last past in the city of Lafayette in said county of Tippecanoe in the possession of the said defendant James Buck, trustee as aforesaid, belonging to and constituting a part of the said trust funds or property, tangible personal property of more than the cash value of fifty dollars, notes and mortgages executed by citizens of said State of Indiana, on lands in said county of Tippecanoe and in other counties in the State last aforesaid of the value of more than fifty thousand dollars and cash on hand or on deposit in said city of Lafayette from time to time varying in amount from a few dollars to more than five thousand dollars and the said cash deposits of said trust will in the future from time to time substantially be on hand in the current administration thereof in said Tippecanoe county.

That the said tax duplicate containing the said assessment is in the official custody of the plaintiff treasurer to collect the taxes assessed, and said plaintiff claims said trust property is liable to pay the same, and that said treasurer now threatens to and will proceed to the collection of said taxes out of the trust property, unless restrained by order of this court.

140 And the defendant further says the issuing and serving of said notice and the making of said assessment of said taxes by said auditor as aforesaid was solely done and made under and in pursuance of the power and authority created and provided in and by a statute of the State of Indiana, entitled "An act concerning taxation repealing all laws in conflict therewith and declaring an emergency." (Approved March 6th, 1891.)

That said statute impairs the obligation of each of the contracts evidenced by each and every of said bonds, notes, and mortgages and stocks and said statute is repugnant to the Constitution of the United States wherein it is declared that "no State shall pass any

law impairing the obligation of contracts," and said statute is void to the extent and so far as it grants any power or authority to tax the said notes, mortgages, bonds or stocks assessed as aforesaid.

The defendant further says that said plaintiff treasurer and the said auditor are both and severally officers of the State of Indiana and as such are and were at the time when said assessment was made, empowered and authorized to assess property for the purposes of taxation in said Tippecanoe county for the use of the State of Indiana and Tippecanoe county and enter said property and taxes assessed thereon in the tax duplicate, and the said treasurer of said Tippecanoe county is invested with power to collect such taxes.

That said auditor in making said assessment of said taxes on said property and entering the same on the said tax duplicate as aforesaid acted for and in behalf of the State of Indiana and the said plaintiff the said treasurer in demanding and enforcing the collection of said assessed taxes was and is now acting for and on behalf
141 of the said State of Indiana.

But the defendant says that there is no statute or law in the State of Indiana that authorizes or empowers the said auditor and treasurer or either of them to subject the said property of said trust in the possession of this defendant trustee as aforesaid to the satisfaction or payment of said taxes assessed as aforesaid.

That the enforcement of the collection of said taxes out of said trust property in the custody of this defendant as the trustee thereof by the State of Indiana is a taking of the property of this said trust from the defendant as such trustee without due process of law and denies him the equal protection of the law and is repugnant to the fourteenth article of the Constitution of the United States.

The defendant says that he is able ready and wiling to pay all such sums of money as may be found payable by him for costs or otherwise and *due* and perform all acts in the premises required by the law and the court.

Wherefore the defendant prays the court for judgment that the assessment *be* more and entered herein as alleged is illegal and void as against him and said trust property and the same be declared cancelled, and the plaintiff — his successors in office be enjoined from collecting or enforcing said taxes against the defendant and the property of said trust and for such other and further relief as may be just and equitable.

LANGDON & COFFROTH,
Att'y- for Def't.

And defendant also on motion now pays into court the sum of one thousand four hundred and thirty-six dollars and ten cents ($1436.10) to keep good the tender alleged in answer and
142 counter-claim herein, to have been made to the plaintiff.

On motion plaintiff is ruled to answer the counter-claim and to reply to the answer of the defendant herein on the first day of the next term of this court and this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana on Monday, December 20th, 1897, the same being the third Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:

Monday, December 20th, 1897, 1st Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come the parties by their attorneys and plaintiff moves the court in writing to strike out part of the counter-claim of the defendant herein and said motion reads in these words:

STATE OF INDIANA, }
County of Warren, } ss:

In the Warren Circuit Court, at the December Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833. Motion to Strike Out Parts of Counter-claim of Defendant.

143 Comes now the plaintiff and moves the court to strike from the counter-claim of the defendant the following parts to-wit:

Commencing with the following words on page 10, of said counter-claim, "That said executors duly returned in Tippecanoe county a true and complete list of all notes and choses in action executed by or due from any person or corporation, resident in or a citizen of the State of Indiana, belonging to the estate of said Nash," and ending with the following words on page 11, of said counter-claim: "The defendant further says that since the constitution of said trust all and every note, bond, mortgage or other security or choses in action of said trust payable or executed by a citizen of Ohio, or any — State than the State of Indiana, have never been nor has either of them at anytime been deposited or kept in the State of Indiana, nor have they or either of them been pledged, invested, transferred or assigned or in any way used in business in Indiana. And they have been and each of them has been at all times *been* deposited

and kept in Cincinnati, Ohio, by the said Goodman, trustee as aforesaid."

For the reason that said part of said counter-claim relates solely to assessment and payment of taxes accruing since the death of Job M. Nash, while the only taxes involved in this controversy are taxes alleged to have accrued in his life time and further, because the allegations of that portion of the answer asked to be stricken out *has* no relevancy to any matter which under the complaint can be an issue in this case.

HANLY & WOOD,
JOHN M. LA RUE,
Att'y's for Pl't'f.

144 Plaintiff also moves the court in writing to strike out part of the defendant's answer herein and said motion reads in these words to wit:—

STATE OF INDIANA,
County of Warren, } ss:

In the Warren Circuit Court, at the December Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833. Motion to Strike Out Part of Answer.

Comes now the plaintiff and moves the court to strike from the answer of the defendant Buck, the following parts thereof, to-wit:—

Commencing with the following words on page 10 of said answer, "That said executors duly returned in Tippecanoe county a true and complete list of all notes and choses in action executed by or due from any person or corporation, resident in or a citizen of the State of Indiana, belonging to the estate of said Nash," and ending with the following words on page 11 of said answer: "The defendant further says that all and every note, bond, mortgage or other security or choses in action of said trust payable or executed by a citizen of Ohio, or any other State than the State of Indiana, have never been nor has either of them at any time been deposited or kept in the State of Indiana, nor have they or either of them been pledged, invested, transferred or assigned or in any way used in business in Indiana. They have beeen and each of them has been at all times *been* deposited and kept at Cincinnati, Ohio by the said Goodman, trustee as aforesaid.

For the reason that said part of said answer relates solely to the assessment and payment of taxes accruing since the death of Job M. Nash, while the *the* only taxes involved in this contro-
145 versy are taxes alleged to have accrued in his life time and further, because the allegations of that portion of the answer

asked to be stricken out *has* no relevancy to any matter which under the complaint can be an issue in this case.

HANLY & WOOD,
JOHN M. LA RUE,
Att'ys for Pl't'f.

And day is given.

Wednesday, January 5th, 1898, 15th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

Come the parties by their attorneys and the plaintiff's attorneys suggest to the court the termination of the office of plaintiff, Henry A. Miller and on motion by order of the court his successor in office Will S. Baugh is substituted as party plaintiff in this action, and day is given.

Saturday, January 15th, 1898, 24th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

On motion this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport Indiana, on Monday March 14th, 1898, the same being the second Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb,
146 sole judge thereof, the following further proceedings were had in the said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Friday, April 8th, 1898, 23rd Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

Comes the parties by their attorneys and plaintiff on motion now files his demurrer to answer of the defendant herein in these words:

STATE OF INDIANA, } ss:
County of Warren, }

In the Warren Circuit Court, at the December Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased.

No. 5833. Demurrer to Answer.

The plaintiff in the above entitled cause demurs separately, severally and distributively to the second, third, fourth and fifth paragraphs of the answer filed by said defendant and for ground of demurrer avers that neither of said paragraphs of answer contains facts sufficient to constitute a defence to the cause of action set forth in plaintiff's complaint.

JOHN M. LA RUE,
HANLY & WOOD,
Att'ys for Pl't'f.

147 And the court being fully advised in the premises does overrule said demurrer as to the second and third paragraphs of defendant's answer herein to which ruling of the court plaintiff by counsel excepts and the court sustains said demurrer as to the fourth and fifth paragraphs of said answer, to which ruling of the court, defendant by counsel excepts and said plaintiff on motion now files his demurrer to the counter-claim of the defendant herein to-wit:—

STATE OF INDIANA, } ss:
County of Warren, }

In the Warren Circuit Court, at the December Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased.

No. 5833. Demurrer to Defendant's Counter-claim.

The plaintiff in the above entitled cause demurs to the counter-claim filed by the defendant therein and for ground of demurrer avers that said counter-claim does not contain facts sufficient to constitute a cause of action against him.

JOHN M. LA RUE,
HANLY & WOOD,
Att'ys for Pl't'f.

Which demurrer the court does now overrule, to which overruling of the court, plaintiff by counsel excepts and said plaintiff on motion now files his reply to the defendant's answer herein in these words to-wit:—

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, March Term, 1898.

148 WILL S. BAUGH, Treas., }
— } No. 5833.
JAMES BUCK, Trustee. }

The plaintiff for reply to the defendant's answer, denies each allegation therein contained.
Filed April 8th, 1898.

HANLY & WOOD,
Att'ys for Pl't'f.

And plaintiff also on motion files his answer to the counter-claim of defendant herein in these words:—

STATE OF INDIANA, } ss:
County of Warren, }

Warren Circuit Court, March Term, 1898.

WILL S. BAUGH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

The plaintiff for answer to the defendant's counter-claim denies each allegation therein contained.
Filed Apr. 8, 1898.

HANLY & WOOD,
Att'ys for Plaintiff.

and this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, May 23rd, 1898, the same being the fourth Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:

Wednesday, June 8th, 1898, 15th Day.

149 WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come the parties by their attorneys and by agreement of the parties the court appoints William C. Mitchell, Esq. special master commissioner to take the evidence in this action and report the same to this court on the tenth judicial day of the next October term of this court and said commissioner is authorized to employ any competent stenographer who shall transcribe the evidence taken by him and the same shall be certified and returned by the said commissioner to this court as hereinbefore ordered.

It is further ordered by the court upon like agreement of the parties that they or any of them shall be at liberty to take depositions in a proper case and upon such notice and according to the statute in such cases made and provided but such depositions shall be taken on or before the said tenth judicial day of this term.

Saturday, June 18th, 1898, 24th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come the parties and on motion this cause is continued.

Be it further remembered that afterwards to wit—at a term of the Warren circuit court of Warren county, in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, October, 10th, 1898, the same being the second Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph
150 M. Rabb, sole judge thereof, the following further proceedings were had in the said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to-wit:—

Tuesday, October 11th, 1898, 2nd Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

STATE OF INDIANA, } ss:
Warren County, }

In the Warren Circuit Court, to October Term, 1898.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee, Defendant.

Come- now the plaintiff by Hanly, Wood and Sims and La Rue, his attorneys and comes also the said defendant Buck, by Langdon and Coffroth, his attorneys, and the said court being sufficiently advised and by agreement of said parties orders this cause continued until the second Monday in the next March term, 1899 and that the order heretofore entered in this cause in reference to the appointment of special master commissioner, William C. Mitchell, Esquire, to take evidence and the taking of depositions by the said parties is continued in force and extended until the second Monday of said March term, 1899, and until the further order of this court and by like agreement of said parties the court further orders that the omission by or failure of the notary or officers before whom the depositions of Abraham J. Horton and Debora A. Horton were taken
151 in behalf of the said Buck in this action to make the proper endorsement on the envelope or wrapper in which said depositions were enclosed and sent to the clerk of this court is waived and no objections to the said deposition- on account of such omission or failure should be made by the said Baugh or entertained by this court.

Be it further remembered that afterwards, to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, December 26th, 1898, the same being the fourth Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph N. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates indicated as follows, to-wit :—

Saturday, January 21st, 1899, 24th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come the parties by their attorneys and by agreement of the parties this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county, in the State of Indiana, began and held at the court house at the town of Williamsport, Indiana, on Monday, March 13th, 1899, the same being the second Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof the following further proceedings
152 were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Thursday, March 30th, 1899, 16th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

On motion this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, May 29th, 1899, the same being the fifth Monday in said month and being the time fixed by law for the holding of a term of said court, and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Tuesday, June 13th, 1899, 13th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come the parties by their attorneys and by agreement the court orders this cause continued until the second Monday in next term

of this court and the order heretofore entered in respect to taking evidence and depositions is continued in force. By agreement the depositions on file were published and the defendant is given leave to take them to Lafayette, Indiana, and the plaintiff may also have said depositions for examination during the said interim,
153 and said depositions are as follows to-wit:

Charlotte G. Bushnell, filed March 21st, 1899, Frances V. Nash, filed August 15th, 1898, Frances V. Nash, filed February 2nd, 1899, Henry L. Bailey, filed December 24th, 1898, William A. Goodman, John F. Follett and Thomas H. Kelley, filed May 9th, 1899 Debora A. Horton and Abraham J. Horton, filed August 31st, 1898, Mary E. Egleton, Helen L. Phillips, William Weed, Joseph Kelley, and Jacob Smith, Jr., filed September 13th, 1898.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, October 9th, 1899, the same being the second Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause, and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Monday, October 9th, 1899, 1st Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

Come the parties by their attorneys and on motion and by agreement of the parties the depositions on file in the office of the clerk of the Warren circuit court be published and the plaintiff is given permission to take said depositions to Lafayette, Indiana, and day is given.

Saturday, October 28th, 1899, 18th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
154 vs.
JAMES BUCK, Trustee.
} No. 5833.

Come the parties by their attorneys and by agreement of the parties this cause is continued until the next term of this court.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, be-

gand and held at the court house in the town of Williamsport, Indiana, on Monday January 1st, 1900, the same being the first Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Saturday, January 20th, 1900, 18th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

Come now the parties and by agreement this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, March 12th, 1900, the same being the second Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book
155 of said court on the days and dates herein indicated as follows, to-wit:—

Saturday, March 31st, 1900, 18th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana.
vs.
JAMES BUCK, Trustee.
} No. 5833.

Come now the parties by their attorneys and on motion this cause is continued until the next term of this court.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, May 28th, 1900, the same being the fourth Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Monday, May 28th, 1900, 1st Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

Comes now C. V. McAdams and enters his appearance for the defendant herein, and day is given.

Friday, June 15th, 1900, 17th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana.
vs.
156 JAMES BUCK, Trustee.
} No. 5833.

Come now the parties by their attorneys and by agreement of the parties this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, October 8th, 1900, the same being the second Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to wit:—

Friday, October 26th, 1900, 17th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

Come the parties by their attorneys and on motion this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county, in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, December 31st, 1900, the same being the fifth Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb,

sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to wit:—

157 Friday, January 18th, 1901, 17th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come now the parties by their attorneys and on motion this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, in Monday, March 11th, 1901, the same being the second Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to-wit:—

Saturday, March 30th, 1901, 18th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come the parties by their attorneys and on motion this cause is continued.

Be it further remembered that afterwards—to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, May 27th, 1901, the same being the fourth Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph
158 M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to-wit:—

Saturday, June 15th, 1901, 18th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come now the parties by their attorneys and on motion this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, September 2nd, 1901, the same being the first Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to-wit:

Saturday, September 21st, 1901, 18th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833

By order of the court this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williams-
159 port, Indiana, on Monday, November 25th, 1901, the same being the fourth Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Friday, December 13th, 1901, 17th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come now the parties by their attorneys and on motion this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, February 3rd, 1902, the same being the first Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Monday, February 10th, 1902, 7th Day.

WILL S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come now said parties by their respective attorneys and the
160 defendant moves the court for the leave to file supplemental pleadings to his counter-claim and to his third paragraph of his answer herein and the court being sufficiently advised grants said motion and the said defendant files his supplemental pleadings to said counter-claim reading in these words and figures:

THE STATE OF INDIANA, Warren County, } ss:

In the Warren Circuit Court, to January Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Deceased, Defendant. } No. —.

The defendant by leave of the court first had and obtained files as part of and supplemental to his counter-claim filed in the above entitled action October 22nd, 1897, — says that the said sum of money of $1436.99 which was paid in this court on the 22nd day of October 1897, as a tender and payment of said taxes, interest and penalties on certain promissory notes and mortgages securing them as alleged in said counter-claim, was on the 22nd day of November, 1897, taken up and received from the clerk of this court by the said plaintiff.

The defendant further says that since the filing of said counter-claim on the 22nd day of October, 1897, there was on the 29th day of November, 1901 placed on the tax duplicate of said Tippecanoe

county for the years 1881, 1882, 1883, 1884, 1885, and 1886
161 as omitted from the said tax duplicate for said years, certain personal property of said Job M. Nash consisting exclusively of promissory notes and mortgages, securing them; that all of said notes and mortgages were dated, made payable and executed in the lifetime of said Nash in the State of Indiana, that the names of the makers and amounts thereof and the years that they were respectively omitted from said tax duplicate are as follows:

	1881.	1882.	1883.	1884.	1885.	1886.
W. Wall	1400					
Thos. Carley	1000					
L. H. Scott	822					
A. Marx	1000	1000	1000	1000	1000	
Thos. Carley	1000					
Benneowitz	1000					
George Munea	650	650	650			
H. Wagner	500					
M. & J. Egan	1000					
J. T. Martin	600					
W. Hammond	1000					
A. P. Perkins	700	700				
H. J. Hornaday	600	600	600			
F. M. Curtis	1100	1100	1100	1100		
W. H. Blizzard	600	600				
A. Storms	1100	1100				
G. F. Hadley	2000					
L. Wright	700	700				
E. H. Andress	5000	5000	5000	5000	5000	5000
W. H. Harter	1150					
J. J. Peters	1000	1000	1000			
M. A. Waldron	2000					
Springate	5000	5000				
A. Bryan	1000					

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	1881.	1882.	1883.	1884.	1885.	1886.
P. Vaughn	800	800	800			
James Ennis	3483	3483	3483	3483	3483	3483
Pampall	1800	1800	1800	1800	1800	1800
T. A. Head	800	800				
J. Beck	.....	1300	1300			
J. Davis	.....	.....	2666	2285	1904	1523
Airhood	.....	. ....	933	800	667	
W. X. Martin	500					
Gertrude Herbert	650					
Alkire	700	700				
James Mitchell	2467	1567	1302	913		
	$43122	$27900	$21634	$16381	$14954	$12806

That the said assessment thereof and entering thereof on said tax duplicate is in these words and figures:

Assessed by Auditor.—Tax Duplicate of the City of Lafayette.

Owner's name.	Year.	Rate.	Chattels.	Total tax.
James Buch, tr. Job M. Nash est	1881	1.05	$43120.00	$452.76
" " "	1882	1.05	27900.00	292.95
" " "	1883	1.21	21635.00	261.78
" " "	1884	1.19	16380.00	194.92
" " "	1885	1.08	14955.00	161.51
" " "	1886	1.08	12805.00	138.29

That afterwards on the 12th day of December, 1901, the defendant paid the treasurer of said Tippecanoe county one thousand five hundred and two dollars and twenty-five cents ($1502.21) in full of all of said taxes assessed as aforesaid by said auditor on the 29th day of November 1901.

The defendant further says that after the filing of his said counter-claim the defendant discovered that the taxes assessed on said promissory note executed by Minerva Fowler dated October
163 15th, 1885, for $27000 and assessed as averred in his said counter-claim for the year 1885 in his said assessment made May 7th, 1895, had not been paid, and that afterwards on the 19th day of July, 1901, the defendant paid the said treasurer of Tippecanoe county three hundred and twenty-eight & 25/100 ($328.25) dollars in full payment of all taxes and penalties charged on account of said promissory note for the year 1885.

The defendant further says that since the filing of the said counter-claim all the real estate and all the Indiana notes and mortgages and all other personal property of the said Nash in the State of Indiana for the years 1872 to 1894, both inclusive, excepting the said Ohio notes, mortgages and said bonds and stock, were placed as omitted from the tax duplicate, in said State, have been placed on said duplicate, assessed for taxes and charges on account thereof have been paid in full and there is no tax unpaid thereon or any part thereof.

Wherefore the defendant asks the court to grant the relief as in said counter-claim prayed.

BYRON W. LANGDON,
Att'y for Def't.

And said defendant now files his supplemental pleading to his third paragraph of answer as follows:

THE STATE OF INDIANA, } ss:
Warren County, }

In Warren Circuit Court, to January Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee of a Trust Created by the Will of Job
164 M. Nash, Deceased, Defendant.

The defendant by leave of the court first had and obtained files as part of and supplemental to his fourth paragraph of answer filed in the above entitled action October 22nd, 1897, — says that the said sum of money of $1436.99 which was paid in this court on the 22nd day of October 1897, as a tender and in payment of said taxes, interest and

penalties on certain promissory notes and mortgages securing them as alleged in said fourth paragraph of answer, was on the 22nd day of November 1897 taken up and received from the clerk of this court by the said plaintiff.

The defendant further says that since the filing of the said fourth paragraph of answer on the 22nd day of October, 1897, there was on the 29th day of November, 1901, placed on the tax duplicate of said Tippecanoe county for the years 1881, 1882, 1883, 1884, 1885, and 1886, as omitted from the said tax duplicate for said years, certain personal property of said Job M. Nash consisting exclusively of pormissory notes and mortgages securing them; that all of said notes and mortgages were dated made payable and executed in the lifetime of said Nash in the State of Indiana, that the names of the makers and amounts thereof and the years they were respectively omitted from said tax duplicate are as follows:—

	1881.	1882.	1883.	1884.	1885.	1886.
W. Wall	1400					
Thos. Cartley	1000					
L. H. Scott	822					
A. Marx	1000	1000	1000	1000	1000	1000
Thos. Carley	1000					
165 Benneowitz	1000					
George Munea	650	650	650			
H. Wagner	500					
M. & J. Egan	1000					
J. T. Martin	600					
W. Hammond	1000					
A. P. Perkins	700	700				
H. J. Hornaday	600	600	600			
F. M. Curtis	1100	1100	1100	1100		
W. H. Blizzard	600	600				
A. Storms	1100	1100				
G. F. Hadley	2000					
L. Wright	700	700				
E. H. Andress	5000	5000	5000	5000	5000	5000
W. H. Harter	1150					
J. J. Peters	1000	1000	1000			
M. A. Waldron	2000					
Springate	5000	5000				
A. Bryan	1000					
P. Vaughn	800	800	800			
James Ennis	3483	3483	3483	3483	3483	3483
Pampall	1800	1800	1800	1800	1800	1800
T. A. Head	800	800				
J. Beck	.....	1300	1300			
J. Davis	.....	.....	2666	2285	1904	1523
Airhood	.....	.....	933	800	667	
W. X. Martin	500					
Gertrude Herbert	650					
Alkire	700	700				
James Mitchell	2467	1567	1302	913		
	$43122	$27900	$21634	$16381	$14954	$12806

166 That the said assessment thereof and entering thereof on said tax duplicate is in these words and figures.

Assessed by Auditor— Tax Duplicate of City of Lafayette.

Owner's name.	Year.	Rate.	Chattels.	Total tax.
James Buck, tr. Job M. Nash est..... ..	1881	1.05	$43120.00	$452.76
" " "	1882	1.05	27900.00	292.95
" " "	1883	1.21	21655.00	261.78
" " "	1884	1.19	16380.00	194.92
" " "	1885	1.08	14955.00	161.51
" " "	1886	1.08	12805.00	138.29

That afterwards on the 12th day of December 1901 the defendant paid the treasurer of said Tippecanoe county one thousand five hundred and two dollars and twenty-one cents ($1502.21) in full of all of said taxes assessed as aforesaid by said auditor on the 29th day of November 1901.

The defendant further says that after the filing of his said fourth paragraph of answer the defendant discovered that the taxes assessed on the said promissory note executed by Minerva Fowler, dated October 15th, 1885, for $27000.00. and assessed as averred by his said fourth paragraph of answer, for the year 1885 in his said assessment made May 7th, 1895, had not been paid and that afterwards on the 19th day of July 1901, the defendant paid the said treasurer of Tippecanoe county three hundred and twenty-eight & 25/100 dollars ($328.25) in full payment of all taxes and penalties charged on account of said promissory note for the year 1885.

The defendant further says that since the filing of the said fourth paragraph of answer all the real estate and all the Indiana notes and mortgages and all other personal property of the said Nash in the State of Indiana for the years 1872 to 1894 both inclusive, excepting the said Ohio notes, mortgages and said bonds and
167 stock, were placed as omitted from the tax duplicate, in said State, have been placed on said duplicate assessed for taxes and all taxes and charges on account thereof have been paid in full and there is no tax unpaid thereon or any part thereof.

Wherefore the defendant asks the court to grant the relief as in said fourth paragraph — answer prayed.

BYRON W. LANGDON,
Att'y for Def't.

Comes now William C. Mitchell as special master commissioner heretofore appointed by the court to take evidence in this action and now proceeds to file his duly certified report of the said evidence taken before him as such commissioner and now in open court the plaintiff and defendant waived any and all objections on account of said report of said special master commissioner not being sealed up, directed and endorsed as provided by law in cases of depositions, and it now appearing to the satisfaction of the court that the term

of office of the said plaintiff, William S. Baugh as treasurer of Tippecanoe county has expired and been succeeded in said office of treasurer of said Tippecanoe county by William E. Beach who is now treasurer of said county.

It is ordered on the motion of said plaintiff that the said William E. Beach as treasurer of Tippecanoe county be and he is substituted as the plaintiff herein, in place of the said Baugh, and the court does now allow the costs of taking said evidence as shown by the certificate of said master and that the same be taxed with the costs of this suit herein.

The plaintiff now files his demurrer to the supplemental third paragraph of answer as follows:

STATE OF INDIANA, } ss:
County of Warren, }

168 In the Warren Circuit Court, at the Feb'y Term, 1902.

WM. E. BEACH, Treasurer of Tippecanoe County, Indiana, } No. 5833.
vs.
JAMES BUCK, Trustee.

The plaintiff demurs to the supplemental third paragraph of the answer filed in the above entitled cause and for grounds of demuravers that said supplemental third paragraph of answer does not state facts sufficient to constitute a defence to plaintiff's cause of action.

HANLY & WOOD,
Att'ys for Pl'ff.

which the court overrules and plaintiff excepts and now files his reply to said supplemental third paragraph of answer as follows:—

STATE OF INDIANA, } ss:
County of Warren, }

In the Warren Circuit Court, at the February Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, } No. 5833.
vs.
JAMES BUCK, Trustee.

The plaintiff for reply to the supplemental third paragraph of answer denies each material averment therein contained.

HANLY & WOOD,
Att'y- for Pl'ff.

And the plaintiff now files his demurrer to the supplemental counter-claim as follows:

169 STATE OF INDIANA, County of Warren, } ss:

In the Warren Circuit Court, at the Feb'y Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, vs. JAMES BUCK, Trustee. } No. 5833.

The plaintiff in the above entitled cause demurs to the supplemental counterclaim filed in the above entitled cause on the ground that said supplemental counterclaim does not state facts sufficient to constitute a cause of action and on the further ground that said supplemental counterclaim does not state facts sufficient to constitute a defense to plaintiff's cause of action.

HANLY & WOOD,
Att'ys for Pl'ff.

which demurrer the court now overrules and plaintiff excepts and the plaintiff now files his answer to the said supplemental counterclaim as follows:

STATE OF INDIANA, County of Warren, } ss:

In Circuit Court, to Feb. Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, vs. JAMES BUCK, Trustee, ET AL. } No. 5833.

Comes now the plaintiff in the above entitled cause and for answer to the defendant's supplemental counterclaim filed herein says that he denies each and every material allegation therein contained.

HANLY & WOOD,
Att'ys for Plaintiff.

170 and day is given.

Saturday, February 22nd, 1902, 18th Day.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, vs. JAMES BUCK, Trustee. } No. 5833.

Come now the parties by their attorneys and on motion this cause is continued.

Be it further remembered that afterwards towit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday April 28th, 1902, the same being the fourth Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to wit:—

Monday, April 28th, 1902, 1st Day.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come now the parties by their attorneys and on motion the defendant, James Buck, files his affidavit herein as to the handwriting of Job M. Nash, deceased, which affidavit reads in these words, towit:—

STATE OF INDIANA, } ss:
Warren County, }

In the Circuit Court, —— Term, 1902.

171 WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Deceased, Defendant.

James Buck being duly sworn upon oath says, that he is as trustee of said trust the defendant in the above entitled action, that he is and has been for more than twenty years last past well acquainted with and he knows the handwriting of said Job M. Nash, both from having seen said Nash write his signature and name and from a written correspondence carried on by the undersigned and said Nash in reference to the affairs of the said Job M. Nash.

The affiant further says that he has examined the register of the Sherman house and which is marked "Exhibit A. J. Irving Pearce" on the inside of the front cover of said register, and which is attached to the deposition of J. Irving Pearce filed in the above entitled action; and affiant further says that he has examined the letters and words "J. M. Nash, New York" written under the written caption or head in said register in the words and figures to-wit:—"Thursday, June 16th, 1892," and counting the page on which is

found the said written caption in the said words and figures of "Thursday, June 16th, 1892" as number one, the said words and figures of "J. M. Nash, New York," are found on the third page.

And the affiant further says that the said words and figures to-wit: "J. M. Nash New York" are in the handwriting of and were written by Job M. Nash, deceased.

172 And the affiant further says he has examined the book or register marked with these words and letters, to-wit, "Exhibit A. Fred Sterry" on the inside of the back of said register, and which said register, is identified by the said Sterry and is attached to the deposition of the said Fred Sterry filed in the above entitled action.

And the affiant further says that he has found in said register on the line next to and below the line on which is written or marked the words and figures to-wit, "Thursday September 1st, 1892" these words and letters, viz; "J. M. Nash New York."

And affiant further says that said words and letters, to-wit, "J. M. Nash New York" are in the handwriting of and were written by Job M. Nash now deceased; and affiant further says not.

JAMES BUCK.

Subscribed and sworn to before me, this 19th day of April, 1892; as witness my hand and notarial seal.

My commission expires May 6th, 1905.

FREDERICK O. EVANS,
Notary Public.

And on motion files the agreement of the parties to the same, which agreement reads in these words to-wit:—

STATE OF INDIANA, } ss:
Warren County, }

In the Circuit Court, to —— Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Deceased, Defendant.

173 It is agreed by and between the plaintiff and defendant that the affidavit of James Buck made in the above entitled cause on the 19th day of April, 1902, as to certain writing in two hotel registers, being in writing of Job M. Nash, deceased, may be read in evidence in behalf of the defendant on the trial or hearing of said action without any objection on the part of the plaintiff, and that *that* the statement of the facts by said Buck in said affidavit shall be taken and considered by the court or jury trying said action

as if the same were stated or given by the said James Buck as sworn witness on said trial of said action.

Witness our hands this 19th day of April, 1902.

HANLY & WOOD,
Att'ys for Pl'ff.
B. W. LANGDON,
Att'y for Def't.

and day is given.

Friday, May 16th, 1902, 17th Day.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

Come now the parties by their attorneys and on motion and by agreement of the parties the court assigns this cause for trial on the second day of the next term of this court, and on motion this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, September 1st, 1902, the same being the first Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph
174 M. Rabb, sole judge thereof, the following further proceedings were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows to-wit:

Saturday, September 6th, 1902, 6th Day.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

Come- now the plaintiff by Hanly & Wood and La Rue his attorneys and comes also the defendant, by Langdon and Coffroth and A. C. Harris, his attorneys and the issues being being joined on motion this cause is submitted to the court for trial, without the intervention of a jury and the court having heard the evidence and argument of the counsel the court does now take the matters at issue under advisement and day is given.

Saturday, September 20th, 1902, 18th Day.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

Come now the parties by their attorneys and on motion this cause is continued.

Be it further remembered that afterwards to-wit: at a term of the Warren circuit court of Warren county in the State of Indiana, began and held at the court house in the town of Williamsport, Indiana, on Monday, November 24th, 1902, the same being the fourth Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following further proceedings
175 were had in said entitled cause and entered of record upon the order book of said court on the days and dates herein indicated as follows, to-wit:—

Thursday, December 11th, 1902, 16th Day.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee. } No. 5833.

It appearing to the court that on the second judicial day of the May term of this court for 1897 that the following proceedings were had in said cause. Come now the parties and the court grants the plaintiff leave to file a supplemental complaint in this cause and such supplemental complaint is now filed and reads as follows:

STATE OF INDIANA, } ss:
County of Warren, }

In the Warren Circuit Court at the May Term, 1897.

HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. } No. 5833. Supplemental Complaint.

Henry A. Miller, plaintiff in the above entitled cause, complains of the defendant and for a supplemental complaint heretofore filed in this cause avers:

That he, the said plaintiff, is the duly elected, qualified and act-

ing treasurer of Tippecanoe county, in the State of Indiana, and has been such continuously for the three years last past.

That one, Job M. Nash, died testate in the year 1893, leaving a last will and testament which was duly probated in the State of Ohio, in said year of 1893.

That William A. Goodman and John R. Coffroth were
176 duly appointed executors under such will, and said persons duly qualified and entered upon their duties as such executors in the year 1893.

That on the — day of ——, 189–, the said John R. Coffroth died, leaving the said William A. Goodman, the sole and only surviving executor of the said last will and testament of said Job M. Nash.

That said William A. Goodman and the defendant in this cause were duly appointed and have qualified as trustees of certain property, choses in action, bonds, notes, mortgages and securities under said will of said decedent, and said parties are now acting as such trustees.

That on the tax duplicate of said county of Tippecanoe, Indiana, and on the tax duplicate of said county for the city of La Fayette in said county and State, there are unpaid taxes against the estate of said decedent, which taxes were duly assessed in the year 1894, on personal property of said decedent which he had omitted and failed to return for taxation, in the schedules of property returned and filed by him showing a list of his taxable property for taxation for the years 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, and 1893.

That said assessment was made after due notice to the executors of said decedent and to said trustee, and after the said auditor had taken and heard the testimony as to such omitted property and had made a finding as to what items of property had been omitted and the value of said items.

That said executors have wholly failed to pay said taxes, and that the same have not been paid by any one, and such taxes are now due and unpaid in the sum of one hundred and fifteen thou-
177 sand, one hundred and fifty dollars and sixty-nine cents, ($115,150.69) including penalty and interest, and the said William A. Goodman, as the sole surviving executor of the estate and as trustee as aforesaid has been actively engaged in resisting the collection of said taxes.

That by the terms of the said will of said decedent James Buck the defendant herein, and the said William A. Goodman and to the survivor and successor of them was given the sum of two hundred and sixty eight thousand dollars, ($268,000.00) in trust to be invested by them in good productive personal property or securities by first mortgage on real estate, and the net income arising therefrom, the said trustees were directed to pay to the several persons named in said will according to the terms thereof; and providing that the trust should cease upon the death of certain persons named in said

will, whereupon the principal of said trust should be paid to other beneficiaries under said will.

That said defendant then and there resided in said city of Lafayette, in said county of Tippecanoe, in said State of Indiana, and has ever since continued to reside in said city and now resides therein.

That in the year 1894, said executors delivered to said James Buck as trustee aforesaid, notes secured by mortgages, money, and sundry choses in action and securities amounting in value to two hundred sixty-eight thousand dollars ($268,000.00) for and on account of said trust fund so created by said will and said trust is still continued, and the property of said fund as aforesaid has ever since been and now is in the possession and control of said defendant Buck, in said city of Lafayette, and the same have been by him collected reinvested and renewed, from time to time as said notes and securities became due, and the profits accounted for as required
178 by said will.

That on the 11th day of August, 1895, said defendant Buck, and said Goodman as trustees, aforesaid, filed a complaint in the Tippecanoe circuit court, of the State of Indiana, against this plaintiff as treasurer of said county, asking that he be enjoined as such treasurer from collecting the taxes aforesaid, in which action such proceedings were had in said court that a demurrer filed by this plaintiff to said complaint was sustained by said court, and judgment for this plaintiff was thereupon duly rendered in said cause upon said ruling on said demurrer, said trustees refusing to plead further in said cause.

That said trustees appealed from the decision of said court to the supreme court of the State of Indiana, where such proceedings were had in said cause that on the 26th day of December, 1896, the judgment of said supreme court was duly had affirming the ruling and judgment of said circuit theretofore had in said cause.

That after said decision of said supreme court had been rendered as aforesaid, said trustees filed in said supreme court a petition for a rehearing in said cause, and afterwards to-wit: on the 13th day of May, 1897, and since the filing of plaintiff's complaint in this cause, such further proceedings were had in said cause in said supreme court, that said petition for a rehearing was overruled by said supreme court, and final judgment duly rendered, affirming the judgment of said circuit court in all things, and sustaining the legality of said assessment of said taxes.

That said opinion and judgment of said supreme court reads in the words and figures following, to.wit:—

THE STATE OF INDIANA:

In the Supreme Court, November Term, 1896.

179 On the 22nd day of December, 1896, being the 26th judicial day of said November term, 1896.

18037.

Hon. James H. Jordan, chief justice. Hon. James McCabe, Hon. Timothy S. Howard, Hon. Leonard J. Hackney, Hon. Leander J. Monks, judges.

In the case of

JAMES BUCK ET AL., Trustee, etc., vs. WILLIAM A. MILLER, Treasurer, &c. } Appeal from the Tippecanoe Circuit Court.

Come the parties by their attorneys, and the court being sufficiently advised in the premises, gave the following opinion and judgment pronounced by Howard J.

Petition for Rehearing Overruled.

The appellants, as trustees under the last will of Job Nash, deceased, have brought this action to enjoin the collection of taxes assessed as against trust funds in their hands to the amount of $268,000.00. It is alleged in the complaint that the county auditor, after notice given to the executors, placed upon the tax duplicate, as omitted property of the estate of the decedent, certain stocks, bonds, notes and mortgages, of which the said trust funds form a part, and which had been held and owned by the said Nash during the years from 1881 to his death in 1893, and had been by him omitted and withheld from taxation during all that time.

It further appears that, from 1880 to 1896, all loans or investments made in this State by Job M. Nash were managed by him in person, and, that, from 1887 until his death in 1893, he had
180 in his service an agent in Tippecanoe county to take charge of his real and personal property in the State and to conduct his loan and investment business therein. It is also alleged "that said Job M. Nash was a citizen of and domiciled in another State than the State of Indiana, during the whole of the year 1881, and continued to be such citizen and so domiciled until his death."

That theory of appellants' complaint seems to be that all those obligations due Job M. Nash or his estate which were executed by non-residents of the State are not taxable here. It is explicitly alleged "that the said bonds, stocks, notes and mortgages so executed by non-residents of the State of Indiana were not and are not subject or

liable to taxation in the State of Indiana as they believe." And again: "The plaintiffs further say that they have not, nor has either of them, made any return for taxation in Indiana of any bond, note mortgage or other choses in action, payable by or executed by any person or persons or corporation, who was or were not inhabitants or citizens of the State last aforesaid, nor any mortgage not on lands in said State."

It is, however, the credit and not the debt to which value attaches and which is therefore taxable. It can consequently make no difference where the debtor lives, or where the debt was contracted, provided only the bond, note or other evidence of amount due the creditor, is itself within the jurisdiction of the State. By section 3 of the tax law (8410 R. S. 1894) it is provided that all property within the jurisdiction of this State not expressly exempted, shall be subject to taxation." By §§ 51 and 53 of the same act, credits are classified as personal property. Personal property, in general, is assessed where its owner resides. But
181 the situs of such property for the purpose of taxation does not always or necessarily follow the domicile of the owner. Eversol vs. Cook, 92 Ind. 222. Many such exemptions too, are made in section 11 of the tax law, among them the following, in clause four: "Personal property of non-residents of the State shall be assessed to the owner or to the person having the control thereof in the township, town or city where the same may be, except that where such property is in transitu to some place within the State, it shall be assessed in such place."

If, therefore, personal property is used in business in this State it will be assessed here, even though the owner may reside elsewhere; and this must be true of credits and moneys as well as of other forms of personal property. A business may be done in buying and selling property and making loans and investments, collecting and reloaning the money so used, from year to year; and if the money, notes and mortgages so used are retained in this State, they will be subject to taxation here as well as any other kind of personal property. See *In re* Whiting's Estate (N. Y.) 44 N. E. Rep. 715, and *In re* Honayer's Estate, (N. Y.) 44 N. E. Rep. 718.

"It is the general rule of the law," said this court in Herron vs. Keeran, 59 Ind. 472, "that the domicile of the owner of the place where, by legal fiction, his personal property is regarded as having its situs, and where it is to be taxed. Commonwealth vs. Chesapeake &c. R. R. Co. 27 Grat. 444. But this rule is now departed from in most States as to chattels having a permanent situs in a State other than that of the residence of the owner. Rieman vs. Shepard, 27 Ind, 288; Burroughs Taxation 21, and the same departure has been taken in regard to notes and evidences of
182 debt in the hands of an agent of the owner who resides in another State or county, which notes are taken for money loaned, and held for renewal or collection, with a view of reloaning

the money by the agent in the same State, the business being permanent in the hands of the agent.

Burroughs Taxation, 44 *et seq.*
People vs. Board, 48 N. Y., 390; see also
Foresman vs. Byrus, 68 Ind. 247.

If notes and other choses in action were in the State temporarily however, or in the hands of an attorney for collection merely, it would of course be different. Herron vs. Keeran, *supra.* Still more where the credit is owned and held in another State by a non-resident of this State. See *In re* Bronson (N. Y.) 44 N. E. Rep. 707. In such a case the note or bond owned and held can not be taxed here even though secured by lien or property in this State. Senour vs. Ruth, 140 Ind. 318. It is the note or bond so held, and not its mere security that *it* is regarded as the evidence of value, and hence taxable.

While injunction is the proper remedy against the collection of taxes where the assessment is wholly void, Senour vs. Ruth, *supra*, yet the burden is upon the plaintiff to allege and prove facts necessary to show that the whole of the property in question was not subject to assessment for taxation. Saint v. Welsh, 140 Ind. 382. If any of the taxes against which the injunction is sought were legally assessed, then in the absence of a showing of payment or tender, no relief can be granted.

City vs. University, 69 Ind. 344.
Shepardson vs. Gillette, 133 Ind. 125.

In the case at bar there is no claim made that the bonds, notes and other obligations placed upon the duplicates as omitted
183 property, were not in fact in the State and subject to its jurisdiction at the several times when, by the decision of the auditor, they should have been returned for taxation. On the contrary, it is alleged in the complaint that during a part of this period the decedent was himself engaged in the business of making loans and investments in the State, while during the remainder of the time he was represented in this business by a local agent. If he lived here and did business in the State, having with him his moneys, stocks, bonds and mortgages, as the capital and means of doing such business, then it would be immaterial whether he might claim citizenship in some other State or not. The law could not thus be evaded. His property so used in business and so held in this State would be subject to taxation under the statutes cited. It would of course be the same if the property and business remained here in charge of an agent. The complaint nowhere states that the omitted property was not in the State at the times when the owner or holder failed to return it for taxation. Neither is it anywhere claimed that any taxes were in any place ever paid on such property. The plaintiffs content themselves with simply alleging that the domicile of the decedent during the period in question was in

some other State, not named, and that the obligations placed upon the duplicates as omitted property were executed by and due from non-residents of the State. This is not enough, and the court did not err in sustaining the demurrer to the complaint.

Judgment affirmed.

And afterwards to-wit: on the 13th day of May, 1897, the court being advised in the premises, overrules the petition for a rehearing heretofore filed herein by appellants, with an opinion by Howard J. as follows:

It would not be difficult to take the several arguments in
184 appellants' numerous briefs, filed in favor of the petition for a rehearing of the case, and arrange them, consecutively, in such manner that they should mutually destroy one another. So, we sometimes find a series of algebraic equations, each most formidable when looked at by itself, but all of which when added together, term by term, are mutually cancelled, and there is nothing left but zero equal zero.

It is first contended that we erred in holding that Mr. Nash's "bonds, stocks, notes and mortgages executed by non-residents were liable to taxation in Indiana." If we understand that contention, it must mean that bonds, stocks, notes and mortgages can be taxed only in the State where they are issued or executed, that is, in the State where the debtor resides, or where the company issuing the stock is located, but, in the case chiefly relied upon in appellants' main brief, R. R. Co. vs. Pennsylvania (case of the State tax on foreign-held bonds) 82 U. S. (15 Wall.) 300, it was held by the Supreme Court of the United States, that the State of Pennsylvania could not tax bonds issued by a Pennsylvania railroad company, but owned and held in a foreign State. And in, Senour vs. Ruth, 140 Ind. 318, also relied upon in the same brief, it was held by this court that credits resulting from loans evidenced by promissory notes, but owned and held by non-residents in another State, even though secured by mortgages on property in this State, are not taxable here. There can be no doubt that the two cases cited are good law, but, if so, what becomes of appellants' contention, that "bonds, stocks, notes and mortgages executed by non-residents," are not taxable in Indiana?

According to the two authorities cited, the bonds, stocks, notes
and mortgages, although executed by non-residents are to be
185 taxed in the State where they are held and owned, it being immaterial where they were executed. In R. R. Co. vs. Pennsylvania and in Senour vs. Ruth, the effort was made to tax the obligations where they were executed; but the courts held that they must be taxed where they are held and owned. Taking appellants' contention that Mr. Nash's bonds, stocks, notes and mortgages could not be taxed here, because they were executed by non-residents, and taking the authorities cited by appellant- that they could not be taxed in the State where they were issued or executed, because they

were held and owned elsewhere, and we have the beautiful result that they could be taxed nowhere.

This would suggest a most excellent plan by which the holders of this class of property might escape taxation altogether; for example, let those in Ohio convert all their means into bonds, stocks, notes and mortgages, issued and executed by residents of Ohio, and let those of Indiana invest likewise in bonds, stocks, notes and mortgages issued and executed by residents of Indiana; and then let the holders of the Ohio securities move into Indiana, and the holders of the Indiana securities move into Ohio, and it is done.

Those wealth movers must, however, be careful not to bring their domicile along with them. They may, of course, indeed they must live and do business in the State into which they move; but they should be cautious to have their residence and domicile elsewhere. The complaint before us is drawn very circumspectly in this regard. It is carefully alleged "that said Job M. Nash was a citizen of and domiciled in another State than the State of Indiana." It was indeed a wise precaution that suggested this manner of statement, and so avoided any indication as to the particular State where
186 Mr. Nash's domicile might be. Otherwise, the State of which he was actually a citizen, and the taxing officers of such State, might have taken advantage of the information thus incautiously given and have assessed his bonds, stocks, notes and mortgages. But provided the allegation is always as in this case, that he was "a citizen of and domiciled in another State," then his personal property subject to taxation, like the youth's gold under the rainbow, will always be a little farther off, and so escape taxation altogether.

The property owner to be sure, may have certain occasional twinges of conscience, that he is sponging off the community, that he is receiving the benefits of the law for the protection of his property, that the courts are open to him for the collection of his bonds and notes and the foreclosure of his mortgages; in a word, that all his personal property and business interests are as carefully guarded as if he were "a citizen of and domiciled in that State;" but that all these things are done for him at the expense of his neighbors, the citizens of the State who pay their taxes regularly from year to year. These twinges of conscience will however, grow more dulled from year to year, and finally perhaps cease altogether, and, in time, if he perseveres, he will come to regard it as his sacred right to bring all his bonds, stocks, notes and mortgages into the State, and so set himself up into the real estate, loan and mortgage business, without being at all hampered by local or State taxes, at the same time that he enjoys all the rights, privileges and protection of citizenship.

Notwithstanding all this, we are still firmly of the opinion as heretofore expressed, that if personal property is used in business in this State it ought to be assessed for taxes, even though
187 the owner may be a citizen of and domiciled in another State; and that this must be true of moneys and credits as

well as of other forms of personal property. We are still of the opinion, also, that a business may be done in buying and selling property, including bonds, stocks, notes and mortgages, and in making loans and investments, collecting and reloaning from year to year, and that if the moneys and securities so used are retained in this State, they should be subject to taxation here quite the same as any other kind of property. For purpose of taxation, the term personal property includes bonds, notes choses in action and other evidences of credit.

1 Desty Taxation, 328; Cooley Taxation, 270, 271, 272, notes; Boyd vs. Selma (Ala.) 16 L. R. A. 729.

And the situs of such property for taxation must be the place where it is used in business.

1 Desty Taxation 323, Cooley Taxation 315;
Burrough's Taxation 59;
In re Jefferson, 35 Minn. 215;
People vs. Davis, 112 Ills. 272;
Redmond vs. Commissioners, 87 N. C. 122;
Kingman Co. Comm'rs vs. Leonard, (Kans.) 34 L. R. A. 810.

Counsel next contend that we erred in holding that Mr. Nash's notes and mortgages executed by residents of Indiana were taxable here, except when he had an agent in the State. The first contention was that obligations executed by residents of another State could not be taxed here, now it is that those executed in Indiana can not be taxed here. One of these contentions must overthrow the other; they can not both stand even according to counsel's own argument. But the argument itself — fallacious. The test
188 as to where the right to tax property exists, is its place of location and use; the place where, if a security or obligation, it is a credit, not where it is a debit. It is quite immaterial whether the notes or other obligations were executed or due by residents or non-residents of the State; if they were owned held and used in Indiana, they were taxable here, and this, too, whether the business here in which they were used was conducted by Mr. Nash in person or by some one else for him.

The third contention of appellant that we erred in holding that certain Indiana notes already taxed were again subject to taxation, shows that counsel have not well considered the opinion of the court. No such holding was made. If, as a matter of fact, the auditor thus retaxed any property which had been already taxed, appellants should have pointed it out to the auditor and asked to have the lists corrected in that particular. But even if such errors were made it would be no justification of appellant's request to enjoin the collection of all the taxes, including those which were justly due.

In the fourth place counsel contend that we erred in holding that the auditor had jurisdiction to make the assessments of the omitted property. That is an idle claim. The statute expressly gives such

power to the auditor, on his compliance with the conditions therein stated, as to notice and other matters. § 142 of the tax law (Acts 1891, 199); § 8560 R. S. 1894 (§ 6416 R. S. 1881); Reynolds vs. Bowen, 139 Ind. 434. Due notice was given. The statute requires of the auditor that "if the person claiming to own such property, or occupying it, or in possession thereof, resides in the county and is not present, he shall give such person notice, in writing, of
189 his intention to add such property to the tax duplicate."

The only person in the county claiming to own such property or any part of it, or occupying or in possession of it, were one of the executors and a trustee under the will. To these he gave the statutory notice; and this would, doubtless, have been sufficient, but, through superabundance of caution, the auditor gave notice also to the remaining executor, a resident of Ohio. Besides, it is to be remembered the assessment and taxation of property is not the bringing of an action in court. The power to prescribe how such assessment and taxation shall be made, resides in the legislature, the supreme law making power of the State. Taxes are not debts, in the ordinary sense of that term, but are rather contributions for the support of the body politic; and it is competent for the legislature to provide how such contributions shall be collected.

Green vs. Gruber, 26 La. Ann. 694;
Catlin vs. Hall, 21 Vt. 152.

Follow the mode of procedure prescribed by the legislature, if there were no one in the county who claimed to own the property here in question, or who occupied or had possession of it, the State would not thereby be deprived of the means of taxing it.

It is only such an owner, claimant or occupant, as "reside in the county and is not present" before the auditor that need be notified. The assessment officer is not required to go outside his own county to give notice to any one of his intention to assess omitted property. In this case, the auditor did more than he was required to do.

The fifth contention is, that we did not hold that appellants were entitled to take evidence to show that Mr. Nash was a non-
190 resident of the State. For the purpose of the complaint, however, it was sufficient to have made the allegation of non-residence, and we are concerned only with the sufficiency of that pleading.

It is next said, that we erred in holding that the trust estate was liable to pay taxes which Mr. Nash had neglected to pay. The State and the municipalities to which Mr. Nash owed taxes are not concerned especially with any trust he may have created for the management of a part of his estate. He died owing certain taxes which he had avoided paying for a great many years. Those taxes have not been assessed in pursuance of statutory provisions for the assessment of omitted property. The taxes are a lien on all property in the county belonging to his estate. This lien can be released only by the payment of the taxes. He could not be giving away

his property relieve it of the burden cast upon it by the law. It is immaterial to the State whether the property is found in the custody of executors, administrators, trustees, heirs or devisees. The State seeks out the property itself, or any part of it that can be found, and demands of those claiming to own or use it that the taxes be paid. Nor is the seventh contention any more available. The property of the estate can not be changed from one form into another, so as to avoid the taxes due and unpaid.

The complaint shows that the county auditor, in pursuance of the provisions of the statutes, placed upon the tax duplicate certain personal property omitted from his assessment lists by Job M. Nash, deceased, for the years from 1881 to the time of his death, in 1893, all the presumptions are in favor of the correctnes of the proceedings of the auditor; and if, in fact, any of the chattels so placed upon the duplicate as omitted property were placed there wrongfully, such
191 fact must be shown by those who call in question the regularity of the auditor's official acts. A negative complaint, complaint or one that is silent in any essential matter, will not do; the error, if any, must be pointed out.

In a supplemental brief, counsel, not questioning the correctness of the statement in the principal opinion that "the complaint nowhere states that the omitted property was not in the State at the time when the owner or holder failed to return it for taxation," yet contends, in effect, that the allegation that Mr. Nash was not at such time a resident of the State is equivalent to an allegation that his personal property and business were not here. We think, however, that we have shown, both in the original opinion and in this, that the location of personal property, particularly for the purpose of taxation does not necessarily follow the domicile of the owner. The property is taxable where it is owned, held and used in business, and where it is protected by the laws of the community in which it is so held and used; and the circumstance that the owner, whether for honest or other motives, claims a residence elsewhere, is not controlling. It is, of course, quite different, as already many times said, where the property is temporarily in the State, as, for instance, where securities are sent into the State for collection, inspection, safe keeping or the like. It would be a most immoral doctrine, however, to hold that securities could not be taxed at the residence of the owner, because they were held at another place, and could not be taxed where they were held, because the owner resided elsewhere.

It would be a still more grievous wrong to hold that a man
192 might retain his residence in New York or Ohio, but bring his property, whether money, bonds, stocks, notes or mortgages to Indiana, and here engage in a general real estate, loan and investment business and so avoid paying taxes at the place where he must call upon the law, its courts and officers, to protect and aid him in the safe and profitable carrying on of his business. A mere

statement of such a claim is enough to show its outrageous character.

Nor were appellants ignorant of the necessity of alleging that the bonds, stocks, notes and mortgages were not in the State of Indiana at the time when the owner or holder failed to return them for taxation. Speaking of certain of those mortages, as to one of the years in question, it was not found difficult to allege in the complaint: "That said eleven mortgages last aforesaid were not, nor were either of them in the State of Indiana, nor were they or any of them in the possession or under the power or control of said agent or of any one else in the State of Indiana on the first day of April 1893."

This allegation itself might not be sufficient to show that even the mortgages named might not have been taxable for the year named; but we have not set out the allegation as showing appellant's ability to express in vigorous and definite language the fact that mortgages were not in the State, hence not subject to taxation. But if it be so emphatically alleged that the mortgages named were not in the State when the auditor claimed they were taxable, we may well presume that the remaining bonds, stocks, notes and mortgages for all the other years, were in the State of Indiana at the several times when they should have been returned for taxation. The maxim quoted by the counsel is here
in point. *Expressio unius, exclusio alterius.* Mr. Anderson
193 in his Dictionary of Law, paraphrases this maxim as follows:
"Express mention of one act, condition, stipulation, class or number, person or place, implies the exclusion of another or others not mentioned." It would have been easy for the complaint to have alleged if it were true that none of Mr. Nash's securities as placed upon the duplicates, were in the State of Indiana, at the several times when the auditor held that they were liable for taxation, but that, at such times, as was the case in Senour vs. Ruth, R. R. Co. vs. Pennsylvania, *supra*, and other cases cited by counsel, the securities were "held and owned by non-residents in another State."

In Pullman vs. Pennsylvania, 141 U. S., 18, the Supreme Court of the United States, citing numerous authorities said: "For the purpose of taxation, as has been repeatedly affirmed by this court, personal property may be separated from its owner; and he may be taxed on its account, at the places where it is, although not the place of his domicile, and even if he is not a citizen or a resident of the State which imposes the tax."

The following from the recent vigorous opinion of Mr. Justice Brewer, speaking for the Supreme Court of the United States, in Adams Express Co. vs. Ohio State Auditor, 165 U. S., —, 17 Sup. Ct., 604, may fitly conclude this opinion, which has perhaps, been unnecessarily extended:

"It is a cardinal rule, which should never be forgotten, that whatever property is worth for the purpose of income and sale it is also worth for the purpose of taxation. Substance of right demands, that, whatever be the real value of any property, that value may be

accepted by the State *of* purpose of taxation, and this ought not to be evaded by any mere confusion of words. Suppose an express company is incorporated to transact business within the limits
194 of the State, and does business only within such limits, and, for the purpose of transacting that business purchases and holds a few thousands of dollars' worth of horses and wagons, and yet it so meets the wants of the people dwelling in that State, so uses the tangible property which it possesses so transacts business therein, that its stock becomes in the markets of the State of the actual cash value of hundreds of thousands of dollars. To the owners thereof, for the purposes of income and sale, the corporate property is worth hundreds of thousands of dollars. Does substance of right require that it shall pay taxes only upon the thousands of dollars of tangible property which it possesses? Accumulated wealth will laugh at the crudity of taxing laws which reach only the one, and ignore the other; while they who own tangible property not organized into a single producing plant, will feel the injustice of a system which so misplaces the burden of taxation."

It is suggested that the company may have bonds stocks or other investments which produce a part of the value of its capital stock, and which have a special situs in other States or are exempt from taxation. If it has, let it show the fact. Courts deal with things as they are, and do not determine rights upon mere possibilities. Where is the situs of this tangible property? Is it simply where its home office is, where is found the central directing thought which controls the workings of the great machine, or in the State which gave it its corporate franchise; or in that tangible property distributed wherever its tangible property is located and its work done? Clearly, as we think, the latter. * * *

It may be true that the principal office of the corporation is in New York, and that for certain purposes the maximum of
195 the common law was, *Mobilia personam sequuntur;* but that maxim was never of universal application and seldom interfered with the right of taxation. It would certainly seem a misapplication of the doctrine expressed in that maxim to hold that, by merely transferring its principal offices across the river to Jersey City, the situs of $12,000,000.00 of tangible property for purposes of taxation was changed from the State of New York to that of New Jersey."

And the following from the same opinion: "In the complex civilization of today, a large portion of the wealth of a community consists in intangible property, and there is nothing in the nature of things or the limitations of the Federal Constitution which restrains a State from taxing at its real value such intangible property. Take the simplest illustration: B. a solvent man, purchases from A. certain property, and gives to A. his promise to pay, say $100,000.00 therefor. Such promise may or may not be evidenced by a note or other written instrument. The property conveyed to

be may or may not be of value of $100,000.00. If there be nothing in the way of fraud or misrepresentation to invalidate that transaction, there exists a legal promise on the part of B. to pay to A. $100,000.00. That promise is a part of A.'s property. It is something of value, something on which he will receive cash, and which he can sell in the markets of the community for cash. It is certainly property and property of value, as if it were a building or a steamboat, and is as justly subject to taxation. It matters not in what this tangible property consists, whether privileges, corporate franchises, contracts or obligations. It is enough that it is property which, though intangible, exists, which has value, produces income, and passes current in the market of the world. To ignore
196 this intangible property or to hold that it is not subject to taxation at its accepted value is to eliminate from the reach of the taxing power a large portion of the wealth of the country."

Petition overruled.

That the executors of said Nash have removed all the personal property belonging to the estate out of the State of Indiana, except the property aforesaid transferred to said trustee as aforesaid, which property is still in said State and in the hands and under the control of said defendant, Buck.

That this plaintiff can not find any other personal property in said State of Indiana, belonging to said estate upon which to levy for the collection of said taxes, or any part thereof.

That said Buck has now in his hands the securities by him taken and held in said trust as aforesaid amounting in value to said sum of two hundred eighty thousand dollars, ($280,000.00).

That this plaintiff can not give the items of said trust property as the same has been changed by said defendant in reinvesting said fund from time to time, as plaintiff is informed and believes.

That persons interested in said trust property are threatening to remove the same from the State of Indiana, and beyond the jurisdiction of the courts of said State and out of reach of the plaintiff, for the purpose of avoiding the payment of said taxes, and said defendant, Buck, is about to and will remove said property out of said State and beyond the reach of said treasurer unless the restraining order heretofore entered in this cause is continued, enforced by this court.

197 That said taxes are now delinquent on the proper duplicates of said county and that said duplicates are now in plaintiff's hands for collection.

That on the — day of ——, 1897, and before filing this supplemental complaint, said plaintiff demanded the payment of said taxes of said defendant, and said defendant refused to pay the same.

That upon such refusal to pay such taxes said plaintiff demanded from said defendant so much of the trust property in said defendant's possession, under the said will of said Nash as should be necessary to pay and satisfy said taxes, for the purpose of levying upon the same and selling the same according to law and to pay and

satisfy said taxes, and that said defendant failed to and refused to turn over the said property of any part thereof to this plaintiff.

That said property is kept and concealed from this plaintiff and securely locked in the vault of said defendant, where the same can not be discovered or reached by said plaintiff for the purpose of levy and sale as aforesaid, and said defendant refuses to discover or produce the same or any part thereof, that plaintiff may levy thereon.

Wherefore, plaintiff prays that he may have judgment enjoining said Buck, defendant from removing said property, or any part thereof, out of Tippecanoe county, in the State of Indiana, until said taxes shall have been fully paid and satisfied; and plaintiff further prays that he may have judgment for a writ of mandate against said defendant ordering and requiring said defendant to discover, disclose and turn over to this plaintiff as treasurer, aforesaid, so much of said trust property as shall be necessary for that purpose to be sold and disposed of by said plaintiff pursuant to the statutes in such cases made and provided, to the end that said taxes,
198 interest and penalty may be paid, and for all other and proper relief.

HANLY & WOOD,
JOHN M. LA RUE,
Attorneys for Plaintiff.

STATE OF INDIANA, }
Tippecanoe County. } ss:

Before me, David H. Flynn, clerk of the Tippecanoe circuit court in said county and State, personally appeared Henry A. Miller, who being first duly sworn, on his oath says that he is the plaintiff in the above entitled cause and that the al-egations set froth in the above and foregoing complaint are true as he is informed and verily believes.

HENRY A. MILLER, Affiant.

Subscribed and sworn to before me this 24th day of May, 1897.

D. H. FLYNN,
Clerk of Tippecanoe Circuit Court.

And the defendant is ruled to answer interrogatories on file, by the 10th day of June, 1897, which said proceedings were not then entered of record and it is now ordered that the same be entered now for then as herein written.

Friday, December 12th, 1902, 17th Day.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. } No. 5833.

Come the parties by their attorneys and file their written agreement as follows:

STATE OF INDIANA, Warren County, } ss:

199 In the Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee, under the Will of Job M. Nash, Deceased. } No. 5833.

It is agreed in open court by and between the parties to this cause that the court in the judgment and decree to be rendered herein may find, fix and adjudge what, if any, of the property upon which the tax in controversy was levied was subject to taxation for each of the years in controversy, and what if any portion of the said assessment is a valid assessment; also the amount, if any, of said taxes due the plaintiff herein; also what if any portion of said assessment is invalid and void, and that the court in such decree may adjudge the payment of any portion of said assessment so found and adjudged to be due, and may cancel and enjoin the collection of any portion of said assessment so found and adjudged to be invalid, and such action of the court shall be taken and held to be within the issues in said cause and this agreement shall not be controlling on the parties for any other purpose.

HANLY & WOOD,
Attorneys for Plaintiff.
B. W. LANGDON,
Attorney for Defendant.

And the court being fully advised in the premises now finds upon the issues and such agreement as follows:

First. That from January 1st, 1881, until the time of his death July 19th, 1893, the testator Job M. Nash was continuo-sly
200 a resident and inhabitant of and had his domicile in the city, county and State of New York. That of the assessments made by the auditor of Tippecanoe county, Indiana, on May 7th,

1895, and extended upon the tax duplicates of said county against Job M. Nash, estate, John R. Coffroth, William A. Goodman, executors, and James Buck, trustee, certain sums were so assessed and made up and constituted of notes and mortgages for moneys loaned by the said Job M. Nash to citizens of the State of Indiana, a part of which had heretofore been returned by the said testator for taxation in his life time and the taxes thereon paid before this suit was commenced and a part of which had not been so returned at the time such assessment was made and that the taxes levied on said last sum which had not been returned were, after the commencement of this suit, paid by the defendant to the treasurer of Tippecanoe county, Indiana, in the sum of $4230.50, which said payment fully discharged and satisfied all taxes so assessed on said date by said auditor on account of the notes and mortgages given for loans made by the said Job M. Nash to citizens of the State of Indiana and known and designated in the pleadings in this case as Indiana notes.

Second. The court further finds that of the assessments so made by the auditor of Tippecanoe county, Indiana, on said date the following sums and for the following years were made up of notes and mortgages for moneys loaned by the said Job M. Nash to citizens of the State of Ohio and charged, known and described in the pleadings in this cause as Ohio notes, the several sums for the several years being as follows:

1884		$32,329.08
1885		98,131.00
	1886	129,885.00
201	1887	$198,612.00
	1888	241,457.00
1889		221,599.00
1890		282,524.00
1891		311,944.00
1892		369,636.00
1893		309,858.00

and that such notes were omitted from taxation for such years.

The court further finds that said several sums so constituted of the notes for the moneys loaned to the citizens of the State of Ohio were on said several dates and years mentioned subject to taxation in the county of Tippecanoe, in the State of Indiana, and that the assessment thereof made by the county auditor of Tippecanoe county, Indiana, on May 7th, 1895, is a valid assessment of such property.

The court further finds thataccording to the tax levies and assessments duly made by the proper officers of the county of Tippecanoe, State of Indiana, there accrued against and were properly extended against such property by the auditor of Tippecanoe county, Indiana, and placed upon the tax duplicates thereof for the several years taxes in the amounts as follows:—

1884	$446.28
1885	1229.26
1886	1627.19
1887	2488.21
1888	3249.04
1889	3470.23
1890	5800.78
1891	6006.79
1892	4930.95
1893	7008.98

202 making a total sum due on account of taxes and penalty of $36,257.71 which is now unpaid.

Third. The court further finds that all the remainder of the assessments made by the auditor of Tippecanoe county, Indiana, on May 7th, 1895, and extended upon the tax duplicates of that county against Job M. Nash estate, John R. Coffroth, William A. Goodman, executors, and James Buck, trustee, was made up and constituted of notes, bonds, stocks and mortgages owing said Nash which were never in the State of Indiana or the hands of said trustee and are illegal and void and should be cancelled and set aside with the exception of the foregoing assessment of the Ohio notes as set forth in the second finding of the court, the taxes thereon amounting to $36,257.71.

Fourth. The court further finds that prior to the commencement of this suit the treasurer of Tippecanoe county, Indiana, demanded of the defendant, James Buck, trustee in this case, that he pay the taxes so assessed by the auditor of Tippecanoe county, Indiana, on May 7th, 1895, and that the defendant as such trustee, refused to make such payment and that thereupon the treasurer of Tippecanoe county, Indiana, demanded of said trustee that he deliver to him sufficient notes, bonds and mortgages in his hands belonging to such trust for the purpose of levy and sale to create funds with which to pay and satisfy the such assessment and that the said defendant, as such trustee, refused to do the same.

The court further finds that the said trustee had no other personal property belonging to his trust situate in the county of Tippecanoe, State of Indiana, out of which such taxes could be made.

The court further finds that at the time this suit was com-
203 menced the defendant, as such trustee, was threatening and was about to remove the notes, bonds, moneys and mortgages in his hands belonging to such trust, from the county of Tippecanoe, State of Indiana, and the defendant moves the court in writing to modify such finding as follows:

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

The defendant moves the court to modify its finding in this that it shall find that there is only the sum of $3208.50 of taxes due on account of the Ohio notes, instead of finding that there is due and unpaid on account of taxes upon the Ohio notes the sum of $36,257.71 as set forth in such finding.

Because executors of the said Job M. Nash transferred to the defendant, James Buck, trustee, and to his co-trustee William A. Goodman in Jan. 1894, to be a part of the trust funds created by item 1 of said will, promissory notes executed to the testator in and payable in the State of Ohio, said notes being designated and known in the record of this action as Ohio notes and which said notes so transferred as aforesaid, were executed by the persons and were for the principal sums following:

Louis Cook Manufacturing Co	$12,000.00
John C. Huntington	5,000.00
" "	5,000.00
Alex. Starbuck	4,000.00
" "	1,500.00
" "	3,500.00
U. S. Manufacturing Co	2,000.00
204 Total	$33,000.00

And because the said trustees do not own, hold or have, nor have they had nor has either of said trustees ever had at any time, any right, title, interest or possession in or to any other of said Ohio promissory notes.

And because the said trust funds in the hands of such trustees could only be charged or assessed, by said auditor, with taxes which would accrue upon said Ohio notes so assigned and transferred to said trustees and because said Ohio notes last aforesaid were not and are not lawfully chargeable with any assessment of any of said taxes on any of the other of said Ohio notes so assessed by said auditor. And because the finding of the court for $36,257.71 includes taxes to the amount of $33,048.67 upon Ohio notes which were never transferred to or in the possession or under the control of the defendant or his co-trustee.

B. W. LANGDON,
Att'y for Defendant.

and the court overrules such motion and the defendant excepts and ninety days are given to prepare and file bills of exception.

And now comes the defendant and moves the court for a new trial of this cause and submits and files his written reasons therefor, reading as follows, to-wit:—

STATE OF INDIANA, County of Warren, } ss:

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, vs. JAMES BUCK, Trustee. } No. 5883.

205 The defendant James Buck, trustee, moves the court for a new trial of this cause and for reasons therefor says:

First. Because the finding and decision of the court is not sustained by sufficient evidence.

Second. Because the finding and decision of the court is contrary to law.

Third. Because of error of the court in the assessment of the amount of the recovery, in that it assessed the recovery at too much.

Fourth. Because of error of the court in the assessment of the amount of taxes as being due and unpaid in this that it fixed and determined the amount of the taxes due and unpaid at too large a sum.

Wherefore the defendant asks that a new trial be ordered.

B. W. LANGDON,
Att'y for Defendant.
C. V. McADAMS, Att'y.

And the court being fully advised in the premises does now overrule defendant's motion for a new trial, to which ruling of the court the defendant excepts and ninety days are given the defendant in which to prepare and file his bill of exceptions in this cause and the court renders judgment on the finding.

It is therefore considered, adjudged and decreed by the court that the taxes assessed, as in the finding herein set out for the following years, to-wit:—

206

1884	$446.28
1885	1229.26
1886	1627.19
1887	2488.21
1888	3249.04

1889	3470.23
1890	5800.78
1891	6006.79
1892	4930.95
1893	7008.98

were lawfully assessed and are valid and that said Ohio notes, amounting to the sums for the several years found in this finding, to-wit:—

1884	$32329.08
1885	98131.00
1886	129885.00
1887	198612.00
1888	241457.00
1889	221599.00
1890	282524.00
1891	311944.00
1892	369636.00
1893	309858.00

were subject to taxation in the county of Tippecanoe, State of Indiana for said several years at the time said assessment was made by said auditor.

That all the residue of said taxes assessed as hereinbefore found by said auditor and not heretofore paid, as herein found, are void and invalid and said assessments to that extent are hereby cancelled and set aside and that all of said assessments except the portion herein adjudged to be valid, to-wit: the sum of $36257.71, be
207 by the treasurer of said county of Tippecanoe, State of Indiana, stricken from tax duplicate of said county.

It is further adjudged and decreed by the court that the defendant be and he is hereby enjoined from removing any part of said trust, notes, mortgages, bonds, moneys or funds thereof, out of the county of Tippecanoe and the State of Indiana, until the taxes herein adjudged to be valid and due are paid and satisfied; but nothing in this decree shall be construed so as to prevent said trustee from collecting any of the notes or securities now in his hands or from investing or reinvesting the same in the State of Indiana, provided the notes, obligations and securities therefor are kept in the hands of said trustee in the city of Lafayette, in the county of Tippecanoe and State of Indiana.

It is further ordered, adjudged and decreed by the court that said defendant, trustee, be and he is hereby directed to pay the taxes herein decreed, to be valid and due to-wit:—$36,257.71 within sixty days from this date from the funds and assets of said trust in his hands; and in the event said trustee shall fail or refuse to pay and satisfy said taxes herein adjudged to be valid and due on or before the expiration of sixty days from this date, then said truestee

is hereby ordered and directed to deliver to the treasurer of Tippecanoe county, in the State of Indiana, for the purpose of levy and sale, so much of the assets, notes, mortgages, choses in action and moneys in hands belonging to said trust as shall be necessary to pay and satisfy said sum herein adjudged to be due.

It is further adjudged and decreed by the court that the plaintiff in this action recover of and from the defendant trustee to be paid from the funds of said trust in his hands, his costs and charges
208 herein, sustained, taxed at $— and — cents.

The defendant now moves the court to modify the foregoing judgment and decree, which said motion reads as follows, to-wit:—

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

The defendant moves the court to modify its judgment and decree entered in this cause as follows:

That instead of adjudging and decreeing that there is due and unpaid the sum of $36,257.71 of taxes on account of the assessment made by the said auditor, on account of the Ohio notes, that there are taxes due and unpaid on account of said Ohio notes in only the sum of $3,208.50.

Because the executors of the said Job M. Nash transferred to the defendant James Buck, trustee, and to his co-trustee, William A. Goodman in Jan. 1894, to be a part of the trust fund created by item one of said will, promossory notes executed to the testator in and payable in the State of Ohio, said notes being designated and known in the record of this action as Ohio notes and which said notes so transferred as aforesaid, were executed by the persons and were for the principal sums following:—

Louis Cook Manufacturing Co.	$12,000.00
J. C. Huntington	5,000,00
" "	5,000.00
Alex. Starbuck	4,000.00
" "	1,500.00
" "	3,500.00
U. S. Bung Manufacturing Co	2,000.00
209	
Total	$33,000.

And because the said trustees do not own, hold or have nor have they had nor has either of said trustees ever had at any time any right title, interest or possession in or to any other of said Ohio promissory notes.

And because the said trust funds in the hands of such trustees could only be charged or assessed, by said auditor, with taxes which would accrue upon said Ohio notes, so assessed and transferred to said trustees and because said Ohio notes last aforesaid were not and are not lawfully chargeable with any assessment of any of said taxes on any of the other of said Ohio notes so assessed by said auditor. And because the finding and judgment of the court for $36,257.71 includes taxes to the amount of $33,048.67 upon Ohio notes which were never transferred to or in the possession or under the control of the defendant or his co-trustee.

B. W. LANGDON,
Att'y for Defendant.

And the court being sufficiently advised in the premises now overrules said motion to which ruling of the court the defendant excepts and ninety days' time is allowed the defendant in which to prepare and file his bill of exceptions, and the defendant moves the court to strike out parts of its said decree as follows:

STATE OF INDIANA, } ss.
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

210 The defendant moves the court to modify and strike out from its decree and judgment in this cause the following:

"And in the event said trustee shall fail or refuse to pay and satisfy said taxes herein adjudged to be valid and due on or before the expiration of sixty (60) days from this date, then said trustee is hereby ordered and directed to deliver to the treasurer of Tippecanoe county in the State of Indiana, for the purpose of levy and sale, so much of the assets, notes, mortgages, choses in action and moneys in his hands belonging to said trust as shall be necessary to pay and satisfy said sum herein adjudged to be due."

B. W. LANGDON,
Att'y for Defendant.

which motion the court overrules and the defendant excepts and ninety days are given to prepare and file bills of exception.

The defendant now prays an appeal of this case to the supreme court of the State of Indiana, which the court grants upon the de-

fendant's filing with the clerk of this court, within sixty days from this date an appeal bond conditioned according to law in the sum of forty thousand dollars with the American Bonding Company, of Baltimore, Maryland, as surety thereon, which surety is now approved by the court, and the defendant now files his bills of exceptions Nos. one (1) two (2) and three (3) which reads as follows:

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
— } No. 5833.
JAMES BUCK, Trustee. }

Be it remembered that on this date the court announced its finding in the above cause and that the defendant at the time
211 such finding was announced, moved the court in writing to modify such finding, which motion reads as follows:

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

The defendant moves the court to modify its finding in this that it shall find that there is only the sum of $3,208.50 of taxes due on account of the Ohio notes, instead of finding that there is due and unpaid on account of taxes upon the Ohio notes the sum of $36,257.71 as set forth in such finding.

Because the executors of the said Job M. Nash transferred to the defendant, James Buck, trustee, and to his co-trustee William A. Goodman in Jan. 1894, to be a part of the trust funds created by item one of said will, promissory notes executed to the testator in and payable in the State of Ohio, said notes being designated and known in the record of this action as Ohio notes and which said notes so transferred as aforesaid, were executed by the persons and were for the principal sums following:

Louis Cook Manufacturing Co	$12,000.00
John C. Huntington	5,000.00
" " "	5,000.00
Alex. Starbuck	4,000.00
" "	1,500.00
" "	3,500.00
U. S. Manufacturing Co	2,000.00
Total	$33,000.00

And because the said trustees do not own, hold or have,
212 nor have they had nor has either of said trustees ever had at any time any right, title, interest or possession in or to any other of said Ohio promissory notes.

And because the said trust funds in the hands of such trustees could only be charged or assessed, by said auditor, with taxes which would accrue upon said Ohio notes so assigned and transferred to said trustees and because said Ohio notes aforesaid were not lawfully chargeable with any assessment of any of said taxes on any of the other of said Ohio notes so assessed by said auditor. And because the finding of the court for $36,257.71 includes taxes to the amount of $33,048.67 upon Ohio notes which were never transferred to or in possession or under the control of the defendant or his co-trustee.

B. W. LANGDON,
Att'y for Defendant.

And the court overrules such motion and the defendant by his counsel at the time excepts and now brings this his bill of exceptions into open court and the same is now signed and sealed by the court and made a part of the record in this cause as defendant's bill of exceptions, No. 1 this December 12, 1902.

JOSEPH M. RABB,
Judge Warren Circuit Court.

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

Be it remembered that on this date the court rendered
213 judgment in the above cause and be it further remembered that the defendant on this date moved the court in writing which motion reads as follows:

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

The defendant moves the court to modify its judgment and decree entered in this cause as follows: That instead of adjudging and de-

creeing that there is due and unpaid the sum of $36,257.71 of taxes on account of the assessment made by said auditor on account of the Ohio notes, that there are taxes due and unpaid on account of said Ohio notes in only the sum of $3,208.50.

Because the executors of the said Job M. Nash transferred to the defendant James Buck, trustee, and to his co-trustee, William A. Goodman, in Jan. 1894, to be a part of the trust fund created by item one of said will, promissory notes executed to the testator in and payable in the State of Ohio, said notes being designated and known in the record of this action as Ohio notes and which said notes so transferred as aforesaid, were executed by the persons and were for the principal sums following:

Louis Cook Manufacturing Co.	$12,000.00
John C. Huntington	5,000.00
" " "	5,000.00
Alex. Starbuck	4,000.00
" "	1,500.00
" "	3,500.00
U. S. Bung Manufacturing Co.	2,000.00
214	
	$33,000.00

And because the said trustees do not own, hold or have nor have they had nor has either of said trustees ever had at any time any right, title, interest or possession in or to any other of said Ohio promissory notes.

And because the said trust funds in the hands of such trustees could only be charged or assessed by said auditor, with taxes which would accrue upon said Ohio notes so assigned and transferred to said trustees and because said Ohio nottes last aforesaid were not and are not lawfully chargeable with any assessment of any of said taxes or any of the other of said Ohio notes so assessed by said auditor. And because the finding and judgment of the court for $36,257.71 includes taxes to the amount of $33,048.67 upon Ohio notes which were never transferred to or in the possession or under the control of the defendant or his co-trustee.

B. W. LANGDON,
Att'y for Defendant.

to modify its judgment and decree so entered and be it further remembered that the court after being fully advised in the premises overrules such motion to modify its judgment and decree to which ruling and refusal of the court to so modify its decree the defendant by his counsel at the time expected, and the defendant now brings this his bill of exceptions into open court and the same is now signed and sealed by the court and made a part of the record in this cause as defendant's bill of exceptions No. 2, this December 12, 1902.

JOSEPH M. RABB,
Judge Warren Circuit Court.

215 STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

Be it remembered that on this date the court rendered its judgment and decree in the above cause and thereupon the defendant moved the court in writing to strike out parts of said decree which motion reads as follows:

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer, }
vs. } No. 5833.
JAMES BUCK, Trustee. }

The defendant moves the court to modify and strike out from its decree and judgment in this cause the following:
"And in the event said trustee shall fail or refuse to pay and satisfy said taxes herein adjudged to be valid and due on or before the expiration of sixty (60) days from this date, then said trustee is hereby ordered and directed to deliver to the treasurer of Tippecanoe county in the State of Indiana for the purposes of levy and sale so much of the assets notes, mortgages, choses in action and moneys in his hands belonging to said trust as shall be necessary to pay and satisfy said sum herein adjudged to be due."

B. W. LANGDON,
Att'y for Defendant.

And the court overruled such motion and the defendant at
216 the time by his council excepted to such ruling and now brings this his bill of exceptions into open court and the same is now signed, sealed and made a part of the record in this cause as defendant's bill of exceptions, No. 3, this December 12, 1902.

JOSEPH M. RABB,
Judge Warren Circuit Court.

217 Vacation.

Be it remembered that on the 26th day of Jan'y 1903, the following proceedings were had and entered of record in the order books of the Warren circuit court in vacation, in the following entitled cause.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased.
} No. 5833.

Comes now the defendant by B. W. Langdon and C. V. McAdams his attorneys and files in the office of the clerk of said court in vacation the defendant's bill of exceptions, No. 4 duly signed by the presiding judge of said court and within the time heretofore allowed by the court for filing the same and said bill of exceptions, No. 4 reads as follows:

STATE OF INDIANA, Warren County, } ss:

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Ind.,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased.
} No. 5833.

Be it remembered that on the 12th day of December, 1902, the Warren circuit court of Warren county, Indiana, after the trial of said cause had been completed, announced its finding therein against the defendant as is more fully shown by the record of said cause in said court and be it remembered that the defendant then moved the court for a new trial of said cause and then filed its written
218 reasons ther-for which reads as follows:

STATE OF INDIANA, Warren County, } ss:

Warren Circuit Court, November Term, 1902.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee.
} No. 5833.

The defendant James Buck, trustee, moves the court for a new trial of this cause and for reasons therefore says:

First. Because the finding and decision of the court is not sustained by sufficient evidence.

Second. Because the finding and decision of the court is contrary to law.

Third. Because of error of the court in the assessment of the amount of recovery, in that it assessed the recovery at too much.

Fourth. Because of error of the court in the assessment of the amount of taxes as being due and unpaid in this that it fixed and determined the amount of the taxes due and unpaid at too large a sum.

Wherefore the defendant asks that a new trial may be ordered.

B. W. LANGDON,
Att'ys for Defendant.
C. V. McADAMS, Att'y.

219 And be it further remembered that said court on said date after being fully advised in the premises overruled said motion for a new trial and the defendant by his counsel at the time of announcing such ruling excepted to the same and now excepts and the court granted to the defendant ninety days' time in which to prepare and file his bill of exceptions upon said motion and the defendant now brings this his bill of exceptions and presents the same to the judge of said court within the time allowed by the court therefor and asks that the same be signed and sealed and made a part of the record of said cause, which is now done accordingly.

I hereby certify that the foregoing bill of exceptions was presented to me on December 16th, 1902, and the same is now approved and signed and made a part of the record of said cause as defendant's bill of exceptions No. 4 this December 17th, 1902.

JOSEPH M. RABB,
Judge Warren Circuit Court.

and the defendant now files his appeal bond payable to the plaintiff, and the penalty of forty thousand dollars properly conditioned as required by law and signed by the defendant as principal and the American Bonding Company as surety, which has heretofore been approved by the court and said bond and the surety thereon together with the power of attorney authorizing its execution by the surety, reads as follows:

Know all men by these presents: That we, James Buck, trustee under the will of Job M. Nash, deceased, as principal and the American Bonding Company of Baltimore, Maryland, as surety, are held and firmly bound unto William E. Beach, treasurer of Tippecanoe county, Indiana, and his successors in office in the penal sum of forty thousand dollars, to the payment of which, well and
220 truly to be made, we bind ourselves our heirs, executors, administrators and assigns, jointly and severally, by means of these presents.

The conditions of the above obligation are such that whereas, heretofore on the 12th day of December, 1902, in an action then pending in the Warren circuit court of Warren county, Indiana, wherein the said obligee was plaintiff and the said principal, James Buck, as such trustee, was defendant, the said court adjudged, de-

creed and determined in favor of the said obligee and against the said trustee that there was due and unpaid to the treasurer of Tippecanoe county, Indiana the sum of $36,257.71. of taxes properly chargeable against the property of the trust in the hands of said James Buck, as such trustee, and ordered and decreed the payment of said sum by said James Buck, as such trustee, to the obligee as treasurer within the sixty (60) days thereafter next ensuing, and that in default of such payment being made as ordered by the said court that the said James Buck, trustee after the lapse of such sixty days should deliver to the said obligee as such treasurer, so much of the assets, notes mortgages, choses in action and moneys in his *his* hands as such trustee and belonging to such trust as shall be necessary to pay and satisfy the said sum so adjudged to be due on account of said taxes and the said court further ordered and decreed that until said sum was so paid and satisfied that the said James Buck as such trustee be and he was enjoined from removing out of the county of Tippecanoe in the State of Indiana any of the notes, mortgages, bonds or other assets in his hands as such trustee and the said obligee by the consideration of said court, in said cause on said date, recovered off of and from the said James Buck as such trustee, the costs in such action, al- of which more fully appears by the judgment and decree of said court, then entered and now of
221 record in its Order Book, No. 41, at pages 299 to 304 both inclusive and to which reference is hereby made.

And whereas the said James Buck as such trustee has been awarded an appeal from the judgment and decree of said Warren circuit court to the supreme court of the State of Indiana.

Now therefore if the said James Buck, trustee as aforesaid shall well and truly prosecute said appeal and abide by and perform and pay the judgment and costs which may be rendered or affirmed against him as such trustee in said cause, then and in such case the above obligation shall be null and void, otherwise to remain in full force and virtue in law.

Witness our hands and seals this Jan'y 16th, 1903.

JAMES BUCK, Trustee.
AMERICAN BONDING COMPANY OF BALTIMORE,
[SEAL.] By WILLIAM E. BARTON,
Attorney in Fact.

STATE OF INDIANA, }
Marion County, } *ss:*

Before me, Florence S. York, a notary public, in and for said county, this 24th day of January 1903, personally came William E. Barton, of Indianapolis, Indiana, and known to me to be the agent and attorney in fact of American Bonding Company of Baltimore, Maryland, and acknowledged the execution of the within bond for the said company as surety thereon, and certified that said company

has complied with the provisions of the statutes of Indiana, governing surety companies, and has filed with the clerk of Marion county, Indiana, the certificate of the auditor of State of Indiana, to that effect.

222 Witness my hand and notarial seal, this 24th day of January, 1903.

[SEAL.] FLORENCE S. YORK,
Notary Public.

My commission expires June 4th, 1905.

Power of Attorney from the American Bonding Company of Baltimore to W. E. Barton, of Indianapolis, Indiana.

Know all men by these presents, that the American Bonding Company of Baltimore, a corporation created by and existing under the laws of the State of Maryland, of the city of Baltimore, Maryland, and duly authorized to act as sole surety in the State of Indiana have made, constituted, and appointed and by these presents doth make, constitute and appoint W. E. Barton of Indianapolis, Indiana, its true and lawful attorney for and on behalf of said corporation as surety, to make, sign and acknowledge a bond in the penalty of forty thousand ($40,000) dollars, to be executed by James Buck, trustee as principal conditioned to prosecute appeal in case of W. E. Beach, treasurer of Tippecanoe county, Indiana, vs. James Buck trustee, under the will of Job M. Nash, dec'd, and pay judgment and costs of said appeal now pending in Warren circuit court of Indiana, hereby approving, ratifying and confirming all that its said attorney may do or lawfully cause to be done in the premises by virtue of these presents.

In testimony whereof, the American Bonding Company of Baltimore has caused these presents to be signed by James Bond president of said company and its corporate seal to be hereunto affixed this the twenty-second day of January, 1903.

AMERICAN BONDING COMPANY
OF BALTIMORE,

[SEAL.] By JAS. BOND, President.

223 Attest: SAMUEL H. SHEWIR, Secretary.

STATE OF MARYLAND, } ss:
City of Baltimore, }

On this 22nd day of January, A. D. 1903, before me Millard Leonard, the subscriber, a notary public for the State of Maryland, duly appointed to take proof and acknowledgement of deeds and other instruments, came James Bond, president, and Samuel H. Shewir, secretary, of the American Bonding Company of Baltimore, to me personally known to be the individuals described in and who executed the preceding instrument, and they each duly acknowledge the

execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the company aforesaid, and that the seal affixed to the preceding instrument is the corporate seal of said company, and that the said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said corporation.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal at the city of Baltimore the day and year first above written.

[SEAL.] MILLARD LEONARD,
Notary Public.

And be it further remembered that afterwards to-wit: at a term of the Warren circuit court began and held at the court house in the town of Williamsport, Indiana on Monday, February 2nd, 1903, the same being the first Monday in said month and being the time fixed by law for the holding of a term of said court and before the Honorable Joseph M. Rabb, sole judge thereof, the following
224 further proceedings were had in said cause and entered of record upon the order book thereof upon the days and date herein indicated, to-wit:

Saturday, February 7th, 1903, 6th Day.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. } No. 5833.

Comes now the defendant by Langdon and McAdams his attorneys and comes also L. D. Patton heretofore duly appointed and sworn as the official stenographer of the Warren circuit court and who acted as such at the time of the trial of said cause and at the request of the defendant, he now produces a true, full and complete long hand typewritten copy of his shorthand notes of the evidence in said cause, duly certified by him for use in the defendant's bill of exceptions and the same is now filed with the clerk of said court in his office and the same is now marked filed by the clerk of said court, as a part of the record in said cause.

225 And be it further remembered that on the 9th day of February, 1903, the following further proceedings were had in said cause and entered upon the order book thereof, to-wit:

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. } No. 5833

Comes now the defendant by Langdon and McAdams his attorneys and now produce and file the defendant's bill of exceptions No. 5, after the same had been duly signed by the Honorable Joseph M. Rabb, sole presiding judge of said court on the 9th day of February, 1903 and embracing the original long hand typewritten copy of the short hand notes of the evidence given at the trial of said cause and taken and prepared by L. D. Patton official stenographer of said court and filed in the office of said clerk on the 7th day of February, 1903, and said bill of exceptions is now filed by the clerk of said court as a part of the record of said cause and said bill of exceptions No. 5, embracing said evidence and the certificate of said reporter and the presiding judge and the file mark of said clerk are as follows, to-wit:

STATE OF INDIANA, County of Warren. } ss:

In the Warren Circuit Court, February Term, 1903.

WILLIAM E. BEACH, Treasurer Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. } No. 5833

Be it remembered that heretofore, at the December term of
226 the Warren circuit court for 1902, the foregoing entitled cause came on for trial before the court, without the intervention of a jury; and

Be it it further remembered that theretofore at a preceding term of the said Warren circuit court, one L. D. Patton had been duly appointed by the judge of said court as its official stenographer and had duly qualified as such; and

Be it further remembered that on the 12th day of December, at the said December term of court for 1902, the said official stenographer of the said court was present, discharging his duties as such; and

Be it further remembered that upon the trial of said cause upon the date last aforesaid, in said Warren circuit court, before the Honorable Joseph M. Rabb, sole judge thereof, the parties to sustain the issues on their several behalfs introduced the following evidence,

which was taken down in short-hand by the said official stenographer, and together with such depositions and documentary evidence as was introduced in said cause, was thereafter written out in long-hand typewriting and filed by the said official stenographer in the clerk's office of the Warren circuit court on the 7th day of February, 1903, and the file mark of the clerk of said court was then placed upon the same and the original long hand manuscript typewritten copy of the evidence in said cause so filed by said official stenographer, together with his certificate thereto attached, reads as follows:

EXHIBIT No. 1.

THE STATE OF INDIANA, } ss:
Warren County, }

In the Warren Circuit Court, to the May Term, 1899.

227 WILLIAM S. BAUGH, Treasurer Tippecanoe County, Plaintiff,
vs.
JAMES BUCK, Trustee Under the Will of Job M. Nash, Dec'd, Def't.

The plaintiff will take notice that on Friday the 28th day of April, A. D. 1899, the defendant above named will take depositions of John F. Follett, William A. Goodman and Thomas H. Kelley, witnesses to be used as evidence on the trial of the above cause at the banking room of the National La Fayette Bank of Cincinnati, Ohio, in the county of Hamilton, in the State of Ohio between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said date, and that the taking of the same will be adjourned from day to day between the same hours until they are completed.

LANGDON & COFFROTH,
Att'y- for Defendant.

Service of the above notice is acknowledged, dedimus and proof of the official character of the officer before whom the said depositions may be taken is by agreement waived.

Done this 26th day of April, 1899.

WILL R. WOOD,
Attorney for Plaintiff.

Filed in the office of the clerk of the Warren circuit court this 7th day of February, 1903.

JOHN G. McCORD,
Clerk Warren Circuit Court.

228 Depositions of sundry witnesses taken before me Matt J. Day, a notary public within and for the county of Hamilton in the State of Ohio, pursuant to the annexed notice and at the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending in the Warren circuit court, in the State of Indiana, in which William S. Baugh, treasurer of Tippecanoe county, is plaintiff and James Buck, trustee under the will of Job M. Nash, deceased, is defendant.

Byron W. Langdon being present on behalf of the defendant and William R. Wood on behalf of the plaintiff.

WILLIAM A. GOODMAN, of lawful age, being by me first duly sworn, deposes and saith as follows:

Examined by Mr. LANGDON:

1 Q. State your name, place of residence and occupation?

A. William A. Goodman, I reside in Cincinnati, my occupation is that of banker.

2 Q. How long have you been a resident of Cincinnati?

A. I have been a resident all my life. Well, say sixty years.

3 Q. Were you acquainted with Job M. Nash?

A. Yes, sir; very well.

4 Q. How long have you known him?

A. I knew him prior to the war; beginning with 1862. I knew him quite well, but I could not remember the year I first knew him?

5 Q. Well, before the civil war?

A. Yes, sir; before the civil war I knew him, back of 1860.

6 Q. You may state if you know where he lived or had his home, or had his residence at the time you first knew him or become acquainted with him?

A. Well, he was a partner of the firm of Foote, Nash & Co.—
229 and lived here in Cincinnati.

7 Q. How long did he continue do you know, to reside or have his home in Cincinnati after the time you knew him?

A. Six or eight years; I could not tell you exactly.

8 Q. Do you recollect the circumstance of his being, or of your hearing of his being married?

A. Yes, sir.

9 Q. Well, in referrence to that time, was he a resident of Cincinnati at that time?

A. When he got married? Yes, sir.

10 Q. Had he lived in Cincinnati, or New York or where?

A. He lived here.

11 Q. How long after his marriage did he live here, if he did.

A. Well, I could not tell you that. I do not know. I will explain that he lived here after he went out of business; he lived at

the Burnet house; he would go away and come back again; but this was his home.

12 Q. If he had any other home or residence than Cincinnati, that you know of, will you state where it was?

A. At that time.

13 Q. Well, after his marriage?

A. After his marriage he had a home in New York city.

14 Q. If you know, state how long he resided in New York after he went there.

A. I think he resided there until his death and always claimed that New York was his home.

Mr. WOOD: I object to a portion of the last answer and move to strike out what he claimed.

15 Q. Were you acquainted with Mr. Nash's wife?

A. Yes, sir.

16 Q. Did you ever visit him in New York or see him there?

230 A. Frequently. As often as I was there.

17 Q. I am speaking now of seeing him in New York after his marriage?

A. Yes, sir.

18 Q. State whether you visited him in New York; he and his wife.

A. What do you call visiting?

19 Q. Well, calling upon?

A. I always called upon him when in New York; some times his wife was with him and some times not, I never went to New York without calling upon him, because we were very intimate friends.

20 Q. To what extent did you visit him and his wife in New York, off and on as you say you did; from what period of time up to his death, did you visit him and his wife in New York city?

A. From the time that he got married, I say I always visited him in New York until the time of his death; I was not there at the time he died, but I had been there not a great while before, usually going to New York once a year.

21 Q. Did you have any business relations with Mr. Nash?

A. Yes sir; great many.

22 Q. You may state if you will, what was the character of your business with him; what relations existed between you and him, if any, in a business way?

A. Mr. Nash, when he was here advised with me as to his investments, &c., and he trusted me with his money to invest, what spare money he had.

23 Q. When was it that he entrusted you with his money to invest, about what year?

A. When first?

24 Q. Yes, sir. About the year approximately?

231 A. I think it was during 1860, sometime, the exact date I could not give you.

25 Q. What was your business with relation to his money, what were you to do with it?

A. I was to invest his money in mortgage securities in Ohio.

26 Q. In Cincinnat, Ohio, or Hamilton county?

A. As Cincinnati is in Hamilton county and in Ohio, it includes all of it.

27 Q. How long did you continue loaning his money, after you commenced, as you state?

A. Until his death.

28 Q. Where did you loan his money, invest it?

A. In Hamilton county, Ohio, with one or two exceptions.

29 Q. Will you name the one or two exceptions you spoke of?

A. There were two loans made over the river in Kentucky immediately opposite here.

30 Q. Were any of those loans or all of them evidenced by notes or bills?

A. They were all evidenced by notes and mortgages.

31 Q. Were the loans that you made in Ohio, in Hamilton county, secured by mortgages on property in Ohio or other places, you say they were secured by mortgages?

A. They were all secured by property in Hamilton county, Ohio, except the two Kentucky loans, which were secured by property in Kenton county, opposite here.

32 Q. When you say secured, do you mean on land or personal property?

A. On land, of course.

33 Q. On lands, real estate?

A. Yes, sir, entirely.

34 Q. You may state if you recollect where you made those
232 loans or investments of money, whether in Cincinnati, or some other places?

A. In Cincinnati.

35 Q. State whether or not that was the case in all instances?

A. All without exception.

36 Q. Where were those promissory notes given for those loans or investments made payable?

A. At Cincinnati. All of them at Cincinnati, Ohio.

37 Q. To whom were they made payable, if you recollect?

A. The direct loan- were made payable to Mr. Nash, some times I made loans on mortgages, they were made to another party and transferred over to him.

38 Q. Assigned to him?

A. Assigned to him. Yes, sir.

39 Q. Where were they made payable, if you recollect?

A. They were made payable at Cincinnati, Ohio.

40 Q. During the time that you were acting in his behalf in loan-

ing and investing his money, as you have stated, was there any other person acting in the same capacity for Mr. Nash, in Ohio.

A. No, sir.

41 Q. Did your management of his business, as you have stated, extend or not to the investment or supervision of his business affairs outside of the State of Ohio?

A. It did not.

42 Q. In what year were those two loans or investments made in Kentucky mortgages?

A. I can't tell.

43 Q. Are you not the William A. Goodman named as one of the trustees, or one of the executors under the will of Job M. Nash?

A. I am.

233 44 Q. State if you assumed the duties of the executor of that estate?

A. I did.

45 Q. Was any one associated with you as co-executor?

A. There was a co-executor named in Indiana at Lafayette.

46 Q. Do you recollect the name of John R. Coffroth?

A. Yes sir.

47 Q. State whether or not he was your co-executor?

A. He was.

48 Q. After Mr. Nash, as you say, had gone to New York to live, did he visit Cincinnati?

A. Yes sir, frequently.

49 Q. Well, frequently or otherwise; how as to his being here once, twice or three or more times a year?

A. He was here I suppose about once a year; that is what I would call frequently in a period of twenty or thirty years back.

50 Q. Did he stop here a long or short time?

A. Usually but a few days, three or four days.

51 Q. Did Mr. Nash, after he was married have any residence or home in Cincinnati, or Ohio?

A. Not that I know of. I never heard of any.

52 Q. Did you ever hear him speak or say anything about his residence, home or place of abode after he was married?

Mr. WOOD: I object to the question, as it asks for the self asserting declaration of Mr. Nash.

A. I never heard him speak of his place of abode, except that after he was married he spoke of home and frequently of going home, and referred to his wife.

53 Q. Where was he when he thus spoke?

A. Here in Cincinnati.

234 54 Q. Having the management and control of his business which you said you had, for Mr. Nash, do you know whether the property he had in Cincinnati, Ohio, was assessed for taxation or any taxes paid on account of that?

Mr. WOOD: I object to the proof as not the best evidence.

A. All this property that was in his name was taxed, because I paid the taxes upon it. I recollect one particular time when he was sick at the Emery hotel and Mr. Follett and I advised him to get a trained nurse. Mr. Buck was here with him and he insisted upon Mr. Buck taking care of him and taking him home to New York. I suppose that can be verified by Mr. Follett and Mr. Buck too.

55 Q. Did you see at any time any notice from the auditor of Tippecanoe county, Indiana, or from the clerk of the city of Lafayette, Indiana, a notice in reference to assessment or taxation on personal property alleged to have belonged to Mr. Nash, and by him omitted to be returned for taxation for the years 1881 to 1893, both inclusive?

A. I received a very bulky document, and I did not pay very much attention to that, I handed it over to Mr. Kelley, my attorney and attorney of the -state.

56 Q. Where did you receive that from?

A. I received it here from Lafayette; I do not know the name of the parties.

57 Q. What person gave you the notice?

A. They were brought to me by the express agent.

58 Q. In Cincinnati?

A. Yes, sir.

59 Q. Did you receive any other notice than this you spoke of?

A. Not that I remember. I do not think I ever did.

60 Q. You may state what became of the notes and mortgages including the two Kentucky mortgages which were given on
235 account of loans and investments by you from Mr. Nash?

A. They were all paid, except those remaining on hand at the time of his death.

61 Q. Each and every one of those loans that you made, the investments you made on account of Mr. Nash and actually paid, where were they paid?

to

A. They were paid by me at the bank in this city of which I was an officer.

62 Q. Was that the case with referrence to the interest as well as the principal?

A. Yes, sir.

63 Q. What did you do with the money that you received on account of the payment, principal and interest, all the interest on any note for loans and investments which you made for Mr. Nash?

A. I put them to Mr. Nash's credit.

64 Q. Where?

A. In a bank in this city.

65 Q. In what bank.

A. The National La Fayette bank and the Bank of Commerce with which I was connected.

66 Q. What, if any, of that money was sent to Indiana, to your knowledge?

A. I never sent any money to Indiana, that I recollect of.

67 Q. The promissory notes that you spoke of that were not paid, and on hand at the time of Mr. Nash's death, in general you may state what disposition was made after that, if you know; if any of them were paid, and if not paid, whether distributed or sold?

A. All which were left unpaid were distributed.

68 Q. To whom?

236 A. Some of them to the devisees and the rest of them to the heirs, I think a small portion was put in the trust.

69 Q. You may state what you mean by the devisees and heirs?

A. Well, I call the devisees legatees, I suppose, to me it was one thing, although I may not have given the legal name, but there were people named in the will as legatees.

70 Q. Have you in your possession or control any of those notes now?

A. None.

71 Q. Who had the custody, possession or control of these Ohio and Kentucky notes, of which you have spoken from their date, or at the time Mr. Nash was the owner or had an interest in them or any of them?

A. I had absolute control of all of them.

72 Q. During all the time in reference to the existence of the notes?

A. I had the possession and control from the time they were made until the time paid or disposed of in some other way.

73 Q. Was there any one in Lafayette, Indiana, at any time in possession for a short time or any time, of these notes given to you and payable in Cincinnati, Ohio?

A. Some times they were sent there by me for record to Mr. Buck as agent.

74 Q. Mr. Nash's agent?

A. Yes, sir; Mr. Nash desired Mr. Buck to have a memorandum of the notes and I sent them to him and he returned them to me, generally within a few days after they were recorded; they were sent there for that purpose and not for collection.

75 Q. Were any of those Ohio notes of which you have been speaking, ever sold, hypothecated or assigned?

A. No, sir.

237 76 Q. Were they or not, any of them, ever used in any business?

A. No, sir.

77 Q. Were the bonds and stocks mentioned in the notice which you say you received of the express company, issued by the auditor of Tippecanoe county and the clerk of the city of Lafayette?

A. I could not say. I purchased the bonds and stocks for him, but I do not know whether in that list or not, as I handed it over to Mr. Kelley.

78 Q. Was Job M. Nash, the holder or owner at any time of any bonds issued by the city of Cincinnati, known as hospital bonds, or

Cincinnati Southern Railway bonds; Newport Water Works bonds; South Covington and Cincinnati Street Railway Company bonds; Oskosh Gas Company bonds and stock in the Pittsburg, Ft. Wayne and Chicago Railroad Company, and bonds of the Cincinnati Inclined Plain Railroad Company?

A. He was.

79 Q. Do you know how he became owner of those bonds?

A. I purchased them for him.

80 Q. Is that the case in every instance?

A. Yes, sir; except the stock of the Pittsburgh, Ft. Wayne & Chicago Railroad Company; I did not purchase them for him. He purchased them himself.

81 Q. With whose money did you purchase?

A. With Mr. Nash's money always.

82 Q. In what city, town or State did you make the purchase?

A. Here in Cincinnati, Ohio.

83 Q. To whom, if you know, were the bonds delivered upon the making of the purchase of them?

A. They were delivered to Mr. Nash personally.

84 Q. State whether they were delivered to him by the seller?

238 A. Delivered by myself. I purchased the bonds for Mr. Nash and they were delivered to me and I delivered them to Mr. Nash.

85 Q. After you delivered them to Mr. Nash, or any of them, did you subsequently become possessor or holder of them?

A. No, sir.

86 Q. You may state whether or not you read these over at any time; examined them?

A. Naturally, I would look over them. Yes, sir.

87 Q. Where are those bonds now, if you know?

A. They have all been sold and distributed.

88 Q. Whom were they sold and distributed by?

A. By the executors of the will of Job M. Nash.

89 Q. Do you know where they are now or any of them?

A. I do not.

90 Q. Now you may state, if you will, where those bonds were payable principal and interest, if they had any interest?

A. I think they were all payable in New York city; in this county all bonds are almost invariable payable there.

91 Q. Is that your recollection or not about these particular bonds?

A. Yes sir; that is my recollection.

92 Q. To whom was the interest on these bonds, all of them, paid during the time Mr. Nash was the owner or holder of them or any of them?

A. It was paid to me.

93 Q. What did you do with the interest thus paid to you?

A. It was put to Mr. Nash's credit. I might explain how it happened to be paid to me, I was not the holder of the bonds——

94 Q. Yes, sir; I understand. You may say in what capacity you were acting at the time you received the payment of
239 this interest?

A. I was acting as Mr. Nash's agent. In regard to the bonds, Mr. Nash had full control of them and he would cut the coupons off and bring them to me to be put to his credit as they became due.

95 Q. Put to his credit in what town or city?

A. Well, he brought them to me and I credited the amount to him in a bank in this city, with which I was connected.

96 Q. Was any of the principal paid on any of these bonds during the time that Mr. Nash owned them?

A. No.

97 Q. Who issued these Cincinnati Hospital bonds?

A. The city of Cincinnati, through its officers.

98 Q. Who issued the Cincinnati Southern Railway bonds?

A. The city of Cincinnati through its officers; they were municipal bonds.

99 Q. Who issued the Newport Water Works?

A. The officers of the city of Newport, Kentucky.

100 Q. Who issued the South Covington and Cincinnati Street Railway Company bonds?

A. The officers of the street railway, the South Covington and Cincinnati street railway, the South Covington and Cincinnati railway whose offices are in Covington, Kentucky.

101 Q. Who issued the bonds of the Oskosh Gas Co.

A. The officers of the Oskosh Gas Company at Oshkosh, Wisconsin.

102 Q. Who issued the stock of the Pittsburgh, Ft. Wayne & Chicago Railroad Company?

A. That was issued by the railroad officers of that company.

103 Q. Who issued the Cincinnati Inclined Plane Railroad Company bonds?

240 A. The officers of that company, at Cincinnati, Ohio.

104 Q. Were the notes executed by F. W. Handy, on account of loan and investment of money for Mr. Nash, by you in Cincinnati, Ohio, two notes for two thousand dollars, and three notes for three thousand dollars each; were they all or any of them ever in the State of Indiana?

A. No, sir.

105 Q. Was the note made by F. Vogle, belonging to Mr. Nash, was it ever in Indiana during the years 1881, 1882, 1883 and 1884?

A. No sir.

106 Q. Were all or either of the six notes for four thousand dollars each made by J. C. Huntington, and mentioned in the notice served upon you, ever in Indiana?

A. No, sir.

107 Q. Was the note executed by E. F. Corry, mentioned in the notice and described as that of "9280," ever in Indiana?
A. No, sir.
108 Q. Was Mr. Nash ever the owner of a note made in Ohio, by a man by the name of Kemper?
A. No, sir.
109 Q. Was he the owner of a note purporting to be executed by Charles Lawrence?
A. No, sir.
110 Q. Was he the owner of a note executed by a person by the name of Monitor?
A. No, sir; he was not.
111 Q. Did Mr. Nash or not have any interest in the note, so far as you know?
A. No, sir.
112 Q. Was he the owner or holder, or have and interest in a note made by J. F. McFarland?
241 A. No, sir.
113 Q. Was he the owner or holder or have any interest in a note purporting to be executed by C. G. Wright?
A. No, sir.
114 Q. Was the note purporting to be executed by F. Diserens, ever in Lafayette?
A. No, sir.
115 Q. Was the note purporting to be executed by F. Ritchie, ever in Lafayette, numbered here as "No. 16,200"?
A. No, sir.
116 Q. Was the note purporting to be executed by J. Crabbs, ever in Lafayette?
A. No, sir.
117 Q. Was the note purporting to be executed by H. Bosworth ever in Lafayette?
A. No, sir.
118 Q. Was the note purporting to be executed by Rein, Schneider, was that ever in Lafayette?
A. No, sir; that was a very short note and paid within a year, and it was not sent there.

Cross-examination.

By Mr. WOOD:

119 Q. You are the president of the National La Fayette bank?
A. Yes, sir.
120 Q. And have been president of that bank for how long?
A. I have been the president of the National La Fayette bank for twenty years.
121 Q. It is one of the oldest banks in the city of Cincinnati?
A. Yes sir.
122 Q. It is provided with all the equipments of a national bank?

A. Yes, sir.

123 Q. I believe you say that up to the time of Mr. Nash's marriage, from 1861, he was a resident of Cincinnati?

242 A. Considered himself so, and we all considered him so.

124 Q. Do you remember the date or about the date the change of residence from the State of Ohio to New York was made?

A. Well, I can not remember that date; I know he got married several years ago, after he quit business, but I do not remember the date.

125 Q. What was he doing in New York; what business, if any?

A. He was not in any business, except taking care of his wife and babies and saving his money.

126 Q. He did not stay in New York much of the time after he went there?

A. Well, he staid there a good deal of his time; he travelled a good deal; he would go South in the winter time, travel about a good deal.

129 Q. He spent a great deal of his time in Lafayette? Did he not, Mr. Goodwin?

A. Well, I don't know the time; I think wherever he went he always stopped at Lafayette as well as Cincinnati.

128 Q. You don't know of your own knowledge what place other than Cincinnati or New York, Mr. Nash did claim as his home?

A. No, sir; I do not.

129 Q. Now these notes that were secured by mortgage upon the Hamilton County real estate, I believe you said that you supervised the taking of all these notes?

A. Yes, sir.

130 Q. What became of those notes after you took them?

A. They were entered for collection and as soon as paid put to his credit. At the time of his death, of course, there were quite a number of notes unpaid.

131 Q. At what other points besides Cincinnati, Ohio, did Mr. Nash have agents for the investment of his money?

A. I don't know that he had any.

243 132 Q. You don't know that he did not have any?

A. No, sir; I do not.

133 Q. You say that the Hamilton county notes were frequently sent to Lafayette; they were kept there most of the time, were they not, Mr. Goodwin?

A. No, sir; not kept there very long.

134 Q. You say not kept there very long?

A. No, sir; they were usually returned to me for collection.

135 Q. What were they sent to Lafayette for?

A. For record.

136 Q. Why sent there for record?

A. I understood that Mr. Buck kept his books, his private books.

137 Q. You have a record of them here in this bank?

A. Yes, sir, my personal record.

138 Q. You stated awhile ago that the property that Mr. Nash had in Cincinnati was taxed here; what do you mean by that?

A. We some times had to take real estate for loans, in closing up loans, and in cases of that kind the real estate was put in his name.

139 Q. That was given him for taxation?

A. Yes, sir; it was all taxable.

140 Q. You may state whether or not taxes were paid upon these promissory notes here, the notes for loan made for Nash?

A. We paid at Mr. Nash's death all the taxes that the auditor claimed was due upon them, amounting to forty or fifty thousand dollars.

141 Q. What is that?

A. We went back five years and paid all the taxes that they claimed. The auditor of the county insisted that as I in-
244 vested money for Nash and did not return it for taxation, as was required, at his death it was claimed, and the attorneys for the estate and myself concluded that in order to avoid any litigation with the county auditor to make and list for taxation the property, and we did so; and paid the taxes for five years.

142 Q. During Mr. Nash's life time you never gave in any of these Ohio notes for taxation.

A. No, sir.

143 Q. I believe you stated that these bonds you purchased for Mr. Nash were never in your possession after you purchased them and delivered them to Mr. Nash?

A. No, sir.

144 Q. Do you know who kept them?

A. He rented a box in the safe deposit company and I suppose he kept them there.

145 Q. Is this of your own knowledge?

A. I know that he went to the safe deposit company and cut off his coupons; when he cut off the coupons of the bonds he usually brought them from the safe deposit; I exercised no control or knowledge excepting what I got accidentally. I never asked him where he kept them or what he did with them.

146 Q. You spoke about this Handy note never having been in the State of Indiana; how do you know?

A. Well, I speak from my best recollection.

147 Q. You could not say positively that it was not there?

A. Well, I don't say that I could not, but that is my recollection.

149 Q. You speak of the Voegel notes not being there in 1881-'2-'3-'4; how do you know that?

A. In the same way.

150 Q. You don't know positively that the notes were not
245 there during that time?

A. I don't know, but I suppose Mr. Buck can state.

151 Q. You spoke of the Huntington notes never being in the State of Indiana; how do you know positive as to those notes?

A. I am very sure of that, because I preferred to keep them here.

152 Q. What is that?

A. I am very sure of that as I preferred to keep them here.

153 Q. You may state why you preferred keeping the Huntington notes here and not preferred keeping the other notes?

A. I had my own opinion at the time; Mr. Huntington was a friend of mine and I made him a large loan and I did not send them to Mr. Buck.

154 Q. Did you have any interest in making the Huntington loan?

A. No, sir; no interest in making the loan of any of them for that matter; I merely did it to please Mr. Nash. He knew that I did not send all the notes there.

155 Q. Mr. Nash knew those were not sent there?

A. I think he did; those were payable to Mr. Nash himself; so that there was no danger of any body losing that but himself and he was willing to trust me.

156 Q. You say that he never was the owner of the Kemper note?

A. No, sir.

157 Q. How do you know?

A. Because I paid all of his notes and I never paid that one.

158 Q. He might have been in possession of the Kemper notes in Indiana without you knowing it?

A. He might have had such a note; I don't say that he
246 did not; I am pretty sure I never purchased it for Mr. Nash.

159 Q. What you mean is you never purchased it?

A. No, sir; nor knew of it.

160 Q. The Charles Lawrence note?

A. No, sir.

161 Q. And never handled that?

A. No, sir.

162 Q. You don't know that he did not own them?

A. No, sir; I could not have loaned Kemper or Charles Lawrence that amount of money is one reason.

162 Q. You don't know that such a note was never in the State of Indiana?

A. No, sir; I don't know anything of the kind.

164 Q. You say that the Monitor note was never in the State of Indiana.

A. Well, I can't say that I never bought the note and never seen it there. My knowledge does not extend any further.

165 Q. The J. F. McFarland note?

A. That, too. In regard to all these notes, I say he never owned them; I mean in making that replt about the notes that I never purchased them.

166 Q. The C. C. Ritchie note?

A. I never bought it and never had it.

167 Q. You don't know as a matter of fact, whether that was in Indiana or not?

A. I do not.
168 Q. The Diserens note?
A. No, sir; I never bought it.
169 Q. You don't know whether that note was in Mr. Buck's possession or not?
A. No, sir.
247 170 Q. The F. Ritchie?
A. No sir; I don't know; I never saw it.
171 Q. The Jacob Crabbs note?
A. No sir,
172 Q. The H. Bosworth note?
A. Just the same.
173 Q. And the Reimes-Schneider note?
A. Well, that note I remember because it was a small note and it was kept here because it had less than a year to run; it was a small note, and I think I bought it at sheriff's sale. I remember the note because it was such a peculiar name. I bought it for Mr. Nash and it was a very small amount.
174 Q. Whereabouts in New York did Mr. Nash live?
A. He usually boarded at a hotel.
175 Q. What hotel?
A. Several of them.
176 Q. Give the names of them?
A. At one time he was at the St. James; another time at the Park Avenue; and I think at one time at the Gilsie house; he went there at my recommendation. He would board just where he took a notion to board. I think at one time he was at the White Plains.
177 Q. To your knowledge did Mr. Nash have a furnished house in New York at any place?
A. Not to my knowledge. There was some kind of a residence at White Plains, but I don't know.
178 Q. Did you ever visit him in his house that he occupied as landlord in New York?
A. I did not.
179 Q. Or occupied as head of the house?
A. No sir; I did not.

WM. A. GOODMAN.

248 And also JOHN F. FOLLETT, who being duly sworn, testified as follows:

Examined by Mr. LANGDON:

1 Q. You may state your name, age, residence and occupation?
A. My name is John F. Follett; I am past sixty-five years of age; occupation, attorney at law; residence, Cincinnati, O.
2 Q. Were you acquainted with Job M. Nash?
A. I was.
3 Q. When did you first become acquainted with him and how long did that acquaintace continue?

A. I don't remember the exact date when I was first introduced to him but I know it was prior to the winter of 1881 or during the winter of 1881.

4 Q. How long did that acquaintance with him continue?

A. Up to the time of his death.

5 Q. Did you ever have any business relations with him?

A. I did; from the winter of 1880–'1 continuously until his death.

6 Q. Did you ever meet him in Cincinnati after you became acquainted with him?

A. I did frequently.

7 Q. Was he a resident of; or have a home in the city of Cincinnati?

A. He did not. He came to Cincinnati I should think about once a year, always stopping at some hotel. When I first knew him, he was at the Burnett house; afterwards I knew him to stop at the Grand hotel and afterwards at the Emery.

8 Q. Well, how long did he stay or visit Cincinnati?

A. Some times here only a few days; in the winter of
249 1880–'1, he was here a month or six weeks; he was here for some time.

9 Q. What was the occasion of his staying here a month or six weeks, if you know?

A. He had become interested in a mine in Idaho and the superintendent of the mine, a man by the name of Winn, was here that winter for the purpose of trying to get the mine organized. The principal stockholders of the mine lived here and he got Mr. Nash interested and finally induced him to buy up the stock until he practically became owner of the mine.

10 Q. Upon any of those occasions when he was here, during the time you knew him, what, if anything, did he ever say to you when he was going away, in reference to where he was going to, and what he was going to do?

Mr. Wood: I object to the question because it was hearsay and a self-asserting declaration.

A. Some times when he was here he would be going to a watering place; some times he went from here to Lafayette, Indiana, and he went from here also West, at different times, and sometimes he went home from here.

11 Q. What did he say in reference to going or getting ready to go, if he said anything about where he was going or for the purpose that he was going?

A. Well, I frequently heard him saying that he was going home to New York; that his little wife, I think is what he generally called her, was ill and that he must hurry away and take her to some health resort.

12 Q. Did you ever travel with him upon any occasion or go any place with him?

A. I went with him on four different occasions to Idaho.

13 Q. Whereabouts in Idaho?

A. We went to what was called Bonaparte mine, about six miles from Rocky Bar.

250 14 Q. Is that the mine you spoke of his being interested in?

A. Yes, sir; that is the mine he bought out practically. Our first trip was there in 1881, the latter part of September we left, and got back to Cincinnati, sometime in October. I met him upon that occasion at Lafayette; I went from here to Lafayette and to Chicago, and his nephew Jesse Wood was with him upon that trip. From Chicago we went to Omaha and then by the Union Pacific route to Ogden, thence ninety miles on the Central Pacific, I think to a place called Kelton, on the north border of Salt lake, and from there we went by stage line, which was about two hundred and fifty miles.

15 Q. On that trip after you left Chicago did you put up or stop at any hotel?

A. We stopped upon that trip at Kelton; well, we stopped in the first place in Chicago; after we left Chicago, we stopped at Kelton over night, and we went from Kelton, stopping at Mountain Home, which was a little station on the over-land route, from Kelton to Boise City. We stopped at a little place which has now escaped me; about twelve or fifteen miles from the mine.

16 Q. Now at any of those places that he stopped at hotels were any registers kept or not?

A. There was at Chicago. My recollection is at Mountain Home there was no register nor at these other places I speak of; but after we left the mine we went to Boise City, and there we stopped at a regular hotel where they had books of registration.

17 Q. If he made any registration at any of those places where you say that he stopped, you may state whether you saw him make his registration or not; and if you did, you may state what it was?

251 Mr. WOOD: I object to it as not the best evidence as to whether he did or did not register.

A. Mr. Nash invariably registered at all the hotels we stopped at, where registration was made, as "Job M. Nash, New York city."

18 Q. Now as to the next trip with him?

A. The next trip was made in 1883, July I think it was, to the mine, in the same way. On that occasion I met him I think at Chicago; my recollection is not so distinct about the starting point upon that trip as the other. We corresponded with reference to the trip and he agreed to meet me at Chicago, coming from New York, and we met there at the Sherman house. We went from there to Omaha and then by the Union Pacific to, I think, Granger, where the Oregon Short Line branches from the main line of the Union Pacific; we went by the Oregon Short Line until within about

twenty-five miles of this Mountain Home station on the overland route; they had completed the road to that point at that time and the balance of the way we had to stage upon that trip.

19 Q. Did you return with him?

A. I did.

20 Q. Did you return the same way or on a different route?

A. We came back a different route; when we came back we took the Short Line so far as to bring us back to a place called Pocatello, which was where what was then the narrow gauge route met the Oregon line. Then we took that road down to Ogden and Salt Lake; we staid at Salt Lake three or four days perhaps and we returned from there by the Denver & Rio Grand to St. Louis and home, stopping at no place except Salt Lake and Denver.

21 Q. Now at any of those places where you stopped with him, if there was any register kept, if he made any registration,
252 you may state what this registration was, if you now recollect?

Mr. WOOD: I make the same objection; not the best evidence and there is no proof upon which to base the introduction of secondary evidence.

A. I recollect very distinctly of his registering at Salt Lake City and Denver as "Job M. Nash, New York."

22 Q. On the third trip?

A. The third trip we went to the same place. The next time we went out for the purpose of foreclosing a mortgage on the property in the summer of 1884. We went directly to Hailey, which was the county seat of the county in which the mine was located; that time I met him at Chicago, and we went through the same as on the last trip as far as Hailey, or where the branch of the Oregon Short Line leaves the route. We staid at Hailey some ten days before we could get our business completed, and then from Hailey we went by the overland route to the mines.

23 Q. Did you return with him?

A, Yes sir. I returned with him upon that trip and that time we returned directly by the Union Pacific route to the Oregon Short Line.

24 Q. Now on this trip that you speak of, did you stop going or coming in Hailey?

A. We stopped at Chicago and Hailey and we went over to Boise City on that trip, and we were — I should say two or three days, and then I don't remember that we stopped at any hotel going through.

25 Q. At any of the hotels where you saw him register or stop, and where a register was kept, if you saw him register state how it was done.

A. Yes, sir; I saw him register the same as before.

253 26 Q. You saw him register?

Mr. WOOD: I make the same objection as before.

A. He registered at each of the hotels at which we stopped "Job M. Nash, New York."

27 Q. This was the third visit?

A. Yes, sir.

28 Q. Now the fourth time, when was that?

A. That was in the summer of 1889. On that visit I met him at the Sherman house, Chicago, and there was also in the party a gentleman by the name of Lawrence, from New York, a man by the name of Dull with his wife, from New York; who were going to look at the mine with view of purchasing, they said. We went upon that occasion from Chicago, my impression is to Ogden on the Union Pacific route and then from Ogden by this, and what was then the narrow gauge route up to Pocatello, and then by the Oregon Short Line to Mountain Home station. We stopped at Mountain Home stateion and from there we went by private conveyance to the mine. We were at the mine I should suppose about a week; then we returned to Mountain Home and went from Mountain Home to Portland, Oregon, where we staid some time; I don't remember, two or three days or four days. From Portland, Oregon, we went up, and our first stopping place was Seattle on Puget sound; from Seattle we went up as far as Victoria by boat and staid upon the boat over night and back to Seattle where we staid a day or two; and then to Tacoma, Washington, where we staid two or three days; from Tacoma we came back as far as Livingstone together, where I left the party and went to Yellowstone park. Mr. Nash asking me on leaving me, as he was continuing to Waukesha, to stop off and spend a day there with him, which I did.

29 Q. When was this trip made?

254 A. It was in the year 1889; I think it was in July.

30 Q. Now if there were any registers kept in the hotels at the places where you stopped, and he made registration, you may state what his register was if you know.

Mr. WOOD: I make the same objection as before.

A. It was the same as each of the other trips; it was always "Job M. Nash, New York."

31 Q. Did he have any luggage or baggage on any of these trips?

A. Yes, sir; he carried a large grip which I remember very well; he always carried the large grip and I think sometimes a small one.

32 Q. If there were any marks on his grips that you saw him have upon these occasions that you have spoken of, if you noticed them, you may state what they were.

Mr. WOOD: I object to it as not the best evidence and no proof has been offered to lay ground work for the introduction of secondary evidence.

A. My recollection is that the large grip was marked "Job M.

Nash, N. Y." And the small grip my present recollection would be "J. M. N., N. Y."

33 Q. You may state whether that was the fact upon each one of these visits you observed those facts, or on some one of the trips?

A. It was uniformly so, sir.

34 Q. Do you recollect of seeing Mr. Nash here in company with Mr. James Buck?

A. I do, sir; very distinctly.

35 Q. When and where was it?

A. I should think it was in 1890; that would be my recollection; in the summer time. Mr. Nash had been, as I was advised, of course I give from my opinion, seriously ill.

255 36 Q. What was his appearance?

A. His appearance was that of a sick man. Mr. Goodman, myself and Mr. Kelley went over to the Emery hotel; Mr. Buck and Mr. Nash were there when we got there.

37 Q. Upon that occasion what, if any, conversation, did you have with him in relation to his sickness or where he was going or what he was doing?

A. He stated at that time he was going from home.

38 Q. State his exact language or the substance of it.

A. He said that he was going from here to White Sulphur Springs, Virginia, to try that climate and water; and as soon as he got a little better and able to do so he was going home and then going to take his wife to some summer resort.

39 Q. You say he had the appearance of a sick man; what if anything was Mr. Buck doing with him at that time, if you know.

Mr. Wood: I object to that as immaterial, irrelevant and as not tending to prove the issues in this case.

A. Mr. Buck was with him at the time at his earnest solicitation, as I know, to look after him.

40 Q. What conversation, if any, did you have with him upon that subject?

A. Before going over Mr. Goodman and I had agreed to try and induce Mr. Nash to get a first class nurse to accompany him and take care of him and after we got over there I introduced the subject.

41 Q. What did you say if you said anything, and what did he say if anything, in answer?

A. Well, I said, "Mr. Nash, a man with the money you have and who is able to employ a first class nurse should do it out of

256 duty to yourself as well as to your friends; you ought to get some man of that kind to stay right with you and take care of you; some man that understands his business and could take care of you a great deal better than Mr. Buck or any one else who has not had proper experience in that line. He said, no, I had one of those nurses over at Lafayette where I was sick and he snored

at I could not sleep, and I would not have one again; and of se that ended the matter.

Q. Did he say anything about Mr. Buck being with him or g with him, or anything about the matter?

. He said he was going to take Mr. Buck down there and if he d that he needed him after that he was going to have him come ith him; if he was not able to get along without Mr. Buck he ld ask him to go on to New York with him or to go with him meet his wife at some watering place.

Cross-examination.

By Mr. WOOD:

Q. Did you state that you got acquainted with Mr. Nash in -'1?

. It was that time when I got well acquainted with him; I was oduced to him a while before that by Mr. Goodman in the bank, it was not a great while before that.

Q. You met him in a business way during that time?

. Yes, sir; for he had a claim against this company and we ght suit for him in the United States court.

Q. You represented him off and on in a business way up to time of his death?

. Yes, sir; up to the time of his death; in fact I drew his

Q. The times that you went with him were on business trips?

A. Yes, sir; uniformly.

47 Q. You never visited him in any way?

. Oh, yes.

Q. Whereabouts was it?

. He was, I think in the Park Avenue hotel, one of those hotels ew York, and in more than one, and not more than a year or before his death I met him; I think about ten o'clock in the ning, he had just got through his breakfast and said his wife not yet finished but would be down in a moment, and she did e.

Q. How many times did you ever see him in New York?

. My recollection is that is the only time.

Q. That time you say he was at the hotel?

. He was boarding I think at the Park Avenue hotel. I want ake a correction as my attention has been called to it by Mr. k it is this: On my second trip in 1883, we went by the way of Louis, I meeting Mr. Nash in St. Louis in place of Chicago, I re- nber distinctly there were some people from here that we met on car, when we got to Kansas City, and we staid in Kansas City over ht for the purpose of getting a train on Monday morning. We met op Simpson, who was going on to hold a Methodist conference in ver, and he being religiously inclined, had not got sleeping berths

on Sunday evening; and I gave up my berth to some lady in his party from Kansas City to Denver and then from Denver on the trip was the same as stated.

JOHN F. FOLLETT.

258 THOMAS H. KELLEY, being duly sworn, testified as follows:

Examined by Mr. LANGDON:

51 Q. State your name, age, residence and occupation?

A. Thomas H. Kelley; forty-four years of age; Cincinnati, Ohio; attorney at law.

52 Q. Were you acquainted with Job M. Nash?

A. I was.

53 Q. When did you first become acquainted with him?

A. My recollection is the winter of 1879 or 1880 in Cincinnati.

54 Q. How long did your acquaintance with him continue?

A. Until his death; I was in the hotel the day he died.

55 Q. You may state where he resided if you know, during the time you knew him, what State and town?

A. Always, when I visited him, in the State of New York.

56 Q. Did he live at any time or have a home, or residence in the State of Ohio?

A. Certainly not from the years from 1880 until 1893, during the period of my acquaintance with him.

57 Q. Do you know where he did live during that time?

A. In the city of New York, New York.

58 Q. Did he to your knowledge, visit Cincinnati, during your acquaintance with him?

A. Yes, sir; he was here.

59 Q. You may state how frequently he came here and whether you saw him or not.

A. I think I saw him upon every occasion when he visited here; I think his visits were as often as once a year; possibly some years, two a year.

60 Q. How long did he stay, if you know?

A. Ordinarily not less than two or three days; I have
259 known visits shorter than that, and there have been two or three visits longer. I think he passed the greater part of one winter here, when he had an interest in the mining property in Idaho requiring his entire time and attention; he lived at the Burnet house with the superintendent of the mine, Thomas H. M. Winn.

61 Q. In those visits did he have his wife here with him?

A. I never saw Mrs. Nash in Cincinnati until after his death but once; that was in 1891, they were passing through Cincinnati, Mr. and Mrs. Nash, and being told that she was at the hotel I went over and called upon her at the Emery hotel; I think I never saw her in Cincinnati but the once prior to his death.

62 Q. If you heard him say anything upon any occasion of his sits here, going or coming, in respect to where he was going or here he came from, you may state what he said?

Mr. WOOD: I object to the question as hear-say and as self assert-g declarations.

63 Q. Giving his language if you can, if you can not give it, give e substance of it.

A. Often when he was in Cincinnati he would be travelling farther est or farther south than this, but whenever he was in Cincinnati his way east from here, I would hear him say that he was going ack home, when he was going to New York; some times he would e going from here to Lafayette and I have known him to be here his ways to Hot Springs, Arkansas.

64 Q. If he said anything upon any occasion, that he was going ack home as you have stated, did he state where his home was, if , you may state what he said.

Mr. WOOD: I object to that as a self asserting declaration and earsay.

60 A. I don't know that I can remember *that I can remember* more particularly than in the answer I have just made; I ave heard him say that he was going home; to New York.

65 Q. Do you know anything about how Job M. Nash came to be axed or of taxes being paid for him for personal property in Ohio?

Mr. WOOD: I object to the question because if he paid any taxes his is not the best method of proof.

A. I made a return for taxation myself as agent of the estate of ob M. Nash in the last days in July, 1893; I made a return of the axes for the year 1893, and for five years preceeding; for the years 892–91–90*1*89 and 88. I made the return to the auditor of Hamil-on county, Ohio.

66 Q. Taxes assessed upon property?

A. Yes, sir; and at that time paid. On the return I *I* made the axes for those years respectively were paid; I personally carried he check to the treasurer to pay the taxes for those five years pre-eeding 1893 and also for the year 1893.

67 Q. Do you know whether any taxes due on account of personal roperty in this city at any time, as to whether paid or not, do you now?

A. All the taxes due from the estate of Job M. Nash in this city re paid.

68 Q. On account of property which he owned and controlled in his life time?

A. So far as I know, yes, sir.

69 Q. What relation if any did you have with him?

A. Our firm, the firm of Follett, Hyman & Kelley became his at-torneys in 1880 and continued as such until 1883 when Mr. Hyman

withdrew, and from 1883 until his death we were the attorneys, personally, in Cincinnati for all the interests that he had, both
261 his interests in Idaho representing mining property and with respect to any foreclosures that might be here.

70 Q. State whether your business relations with him required you or not to see him when he came to Cincinnati?

A. They always did; I don't believe that he ever came to Cincinnati during our acquaintance that we did not see him.

Cross-examination.

By Mr. WOOD:

71 Q. Did you ever see Mr. Nash in New York?

A. Frequently.

72 Q. Commencing when?

A. I first saw him in 1884 at the Metropolitan hotel.

73 Q. Boarding there at that time?

A. He was living at the hotel.

74 Q. Where did you next see him and when did you next see him?

A. I saw him after that in 1886–7.

75 Q. Whereabouts?

A. My recollection is that upon that visit at the Grand Central I may have met him at two separate visits at the Metropolitan, but I saw him on two occasions I know at the Grand Central hotel, New York city.

76 Q. Did you ever see him any other place?

A. Yes, sir; I met him in the month of January, 1893, at the Park Avenue hotel, New York city.

77 Q. Did you ever see him any other place in New York city than at a hotel?

A. Yes, sir; I saw him at a business place; I can't recollect the street now, but it was where he had a place where he dropped in every day when he was down town. I think it was at the
262 office of the Andress Paint and Color Company.

78 Q. It was not a place of his?

A. Well, it was a place that he may have had a desk and where he got mail and opened it.

79 Q. Do you know what relations Mr. Andress was to him?

A. Mr. Andress' wife was his niece.

80 Q. During the time you knew him in New York city, did you ever know of his living any other place than the hotel?

A. No, sir.

81 Q. Where else did you know him?

A. He was at the St. Marc hotel, at 39th street and 5th avenue.

82 Q. Do you know what other place than New York city he claimed as his home?

A. No, I do not.

83 Q. Are all of those hotels you have mentioned within what was known as New York city prior to taking in Brooklyn?

A. Yes, sir; all are in as what is better known as the borough of Manhattan, or New York city proper.

84 Q. These taxes that you said you gave into the auditor, Mr. Kelley, were not given in until after the death of Mr. Nash?

A. Nor, sir, between the time of his death and the probating of his will.

85 Q. Was the property listed by itemized?

A. No, sir; it was not listed by items. The property that I listed for taxes was not itemized by me. It was listed in the aggregate or lump.

86 Q. Did you file any paper with the auditor showing the property upon which you paid taxes at the time those taxes were paid?

A. I filled up the blank furnished by the auditor for the return of taxes.

263 87 Q. And that was deposited with the auditor?

A. That was deposited with the auditor and I paid on the amount which I returned for each year on the list of items furnished the tax payer to which it corresponded.

88 Q. Did you fill out a separate blank for each year?

A. I filled out a separate blank for each year.

89 Q. Those blanks were deposited with the auditor?

A. They were deposited with the auditor, yes, sir.

Redirect examination:

90 Q. When you visited Mr. Nash in hotels in New York you may state if he occupied any premises or rooms in those hotels, that you know of. Did he have a room or rooms in the hotel?

A. They had, as I remember, in the Grand Central hotel a suite of rooms, him and his wife.

91 Q. I mean within your knowledge did he occupy rooms in any one of them?

A. He occupied rooms in every hotel I saw him in.

92 Q. Were you in those rooms occupied by him?

A. Yes, sir; I visited him in his rooms.

93 Q. State whether or not he and his wife were occupying these; whether she occupied rooms with him or not. If she did, you may state if you observed anything about the rooms that he occupied which you visited, as to how they were furnished if you notice?

A. The walls in the rooms of the St. Marc hotel which he occupied, were adorned with pictures of his little children, bric-a-brac, and articles of personal property were pointed out to me by Mrs. Nash, as their property; the rooms having been furnished by them.

264 94 Q. How was it at any other hotel?

A. I saw the same thing in the Grand Central and Park Avenue hotels. I do not think I ever visited him in his room in the Metropolitan.

THOMAS H. KELLEY.

STATE OF OHIO, }
Hamilton County. }

I, Matt J. Day, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named William A. Goodman, John F. Follett and Thomas H. Kelley, were by me first duly sworn according to law, to testify the truth, the whole truth and nothing but the truth, relative to said cause; that said depositions were reduced to writing by me; that the said Byron W. Langdon did attend as the attorney for the defendants, and the said James Buck, defendant, did attend personally, and William R. Wood did attend for and on behalf of William S. Baugh, the plaintiff herein; that said depositions were taken at the banking room of the National La Fayette bank, Cincinnati, Ohio, in said city of Cincinnati, county of Hamilton, and State of Ohio, on the 28th day of April, A. D. 1899, between the hours of eight o'clock a. m. and six o'clock p. m. of said day.

I further certify that I am not attorney, counsel or of kin to either party or otherwise interested in the event of the suit.

In testimony whereof I have hereunto set my hand and notarial seal, this 26th day of April, 1899.

265 MATT J. DAY,

[SEAL.] Notary Public in and for Hamilton Co., Ohio.

Not. fees, $19.85.

"EXHIBIT No. 2"

reads in the words and figures following, to-wit:—

THE STATE OF INDIANA, }
Warren County, } *ss*:

In the Circuit Court, October Term, 1898.

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Indiana, }
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. }

The plaintiff will take notice that on Monday, the 8th day of August, A. D. 1898, the defendant above named will take the depositions of Frances V. Nash, witnesses, to be used as evidence in the trial of the above cause, at the village hall in the village of Greenport in the county of Suffolk, in the State of New York, between the hours of 8 o'clock a. m. and 6 o'clock p. m., of said day, and that the taking of the same will be adjourned from day to day between the same hours until *they are* completed.

LANGDON & COFFROTH,
Attorneys for Defendant.

The service of the above notice is acknowledged, the dedimus and proof of the official character of the officer before whom the said depositions may be taken is by agreement waived; also all exceptions in regard to time.

266 Done this 3rd day of August, 1898.

W. R. WOOD,
Attorney for Plaintiff.

Caption.

Deposition of *sundry* witness taken before me, Lewelen F. Terry, notary public within and for the said county of Suffolk, the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending in the circuit court of Warren county, Indiana, in which William S. Baugh, treasurer of Tippecanoe county, Indiana, is plaintiff and James Buck, trustee under the will of Job M. Nash, deceased, is defendant, no person being present on behalf of plaintiff and Judge B. W. Langdon on behalf of defendant.

FRANCIS V. NASH, of lawful age, being by me first duly sworn, she deposes and saith, as follows:

1 Q. What is your name and where do you reside?

A. My name is Francis V. Nash; my residence is New York city, State of New York.

2 Q. Where were you born, Mrs. Nash?

A. I was born in New York city, in the State of New York.

3 Q. Were your father's family residing in New York city at the time?

A. Yes.

4 Q. Were you acquainted with Job M. Nash?

A. I was acquainted with him from childhood.

5 Q. What relation, if any, were you to Job M. Nash?

A. He was my husband.

6 Q. Is he living?

A. No.

267 7 Q. When did he die?

A. July 19th, 1903.

8 Q. Where?

A. At the St. Mark hotel Fifth Ave. and 38th St. in the city of New York in State of New York.

9 Q. How long were you and Mr. Nash married?

A. Twenty-nine years.

10 Q. Where were you married to Mr. Nash?

A. New York city.

11 Q. Were there any children of your marriage with Mr. Nash?

A. Yes: two.

12 Q. Where were they born?

A. In New York city.

13 Q. Are they living or dead?

A. Dead. Both of them are dead.

14 Q. What was the name of your elder child?

A. Ada D. Nash.

15 Q. Where did she die and how old was she at her death?

A. She died in 1868, she was three years old at the time of her death.

16 Q. What was the name of the other child?

A. Jay M. Nash.

17 Q. How old was he at the time of his death?

A. Nineteen months.

18 Q. Where did your daughter Ada die?

A. New York city.

19 Q. Where did your son Jay die?

A. At Tarrytown, on the Hudson, State of New York.

20 Q. What was the occasion of your being in Tarrytown at the time of his death?

A. We took him there to Tarrytown, from New York city
268 on account of his being sick. He was teething. He died of that sickness in about six weeks after we went there.

21 Q. Where were these children buried?

A. Rural cemetery White Plains, West Chester county, N. Y.

22 Q. Did you and Mr. Nash or either of you own a lot or plot in Rural cemetery of which you speak?

A. Yes. A plot was conveyed to me and Mr. Nash jointly and we held it together until my husband, Mr. Nash, died.

23 Q. When did you and your husband become the owners of this burial plot of ground?

A. Within a week after the death of my daughter, Ada, my husband purchased this plot in that cemetery.

24 Q. How many miles is Rural cemetery from New York city?

A. Twenty-two miles.

25 Q. You may state any fact you know that induced Mr. Nash to select a burial lot in Rural cemetery?

A. At the time of determining where we would bury our dead daughter, he said to me that he would buy a burial lot or plot of ground in Rural cemetery because he said New York city is my home and I have blood relatives already buried in that cemetery. That was the inducement which led to the preference of having a lot in that cemetery.

26 Q. If Mr. Nash had any monument or memorial stone erected or placed on your or his burial plot in Rural cemetery, you may state when he did so, and if there were any inscriptions engraved on the monument or stone, you may state what they were?

A. He erected a marble shaft, or monument, on that plot of ground: and had the word Nash, our family name, cut in the shaft in large, bold letters, and which could be conspicuously noticed, and

below the word Nash and near the bottom of the monument
269 he afterwards had the names of the children cut in the marble and read in these words: Ada D. Nash, Jay M. Nash children of J. M. and Frances V. Nash.

27 Q. When was the monument erected on that plot of burial ground?

A. It was written six months after the death of our infant son Jay N. Nash.

28 Q. Did you and Mr. Nash from and after your marriage live together as husband and wife until his death?

A. Yes, we always lived together as husband and wife until after his death.

29 Q. Where was Mr. Nash buried?

A. Buried in our lot in Rural cemetery.

30 Q. Where did you live or reside during the time you were the wife of Mr. Nash?

A. In New York city.

31 Q. Did you ever live or reside in any other town, place or country other than New York city during any time of your married life?

A. Never lived in any other place but New York city; that was our home. Most every year during our married life we would take a short trip during the heated term in summer or the bad weather in winter. This was on account of my health and sometimes on account of his health also.

32 Q. What has been the condition of your physical health since 1870?

A. Since the death of my children I have been in delicate health and have not been strong.

33 Q. What was the condition of Mr. Nash's health 20 or 25 years prior to his death?

A. His health was very poor and required medical aid.

270 34 Q. Did Mr. Nash own or occupy a private residence during his married life?

A. We lived and made our home in different hotels in New York city during all the time that we were married.

35 Q. If you know of any fact that induced Mr. Nash to make his home or live in hotels instead of occupying a private residence, you may state it.

A. Many times Mr. Nash said to me that he would like to have a private home in New York city, and he would purchase one, but said my health was such that I was not able to attend to a house, take charge of it, and said I expect we will have to always live and have our home in hotels.

36 Q. What other fact or inducement was there for you and Mr. Nash having your home in a hotel?

A. No others.

37 Q. Who furnished your apartments in the — where you said you and Mr. Nash lived?

A. A part of the furniture belonged to the hotel and part to us. We furnished to the extent of those articles which made our apartments and home have the appearance of permanent comfort and was mor- home-like than thos- apartments occupied by transient guests.

38 Q. On occasions of which you have spoken, when you and Mr. Nash went away from the city, on account of your health or his health, what became of the furniture or things you and Mr. Nash had?

A. All those things which we did not require for our use on our trip, we carefully packed up and stored in the baggage room of the hotel where we had our home, to be kept there until we returned. And this was done on every occasion when we went away on such trips, so that they would be safe and ready to be replaced in our home apartments on our return.

271 39 Q. You may state if there were any distinguishing marks or words placed on the furniture or articles stored away and if there were, what words or marks were placed on them?

A. My husband's name and my name, before the words New York city.

40 Q. In travelling with or making these trips with Mr. Nash, did you have separate trunks or not?

A. We each had our own trunks.

41 Q. If there were any marks or letters on these trunks you may state what they were?

A. My trunk always had F. V. Nash, New York city, and my husband's was generally J. M. N. and always followed by the words New York city.

42 Q. How far back do you recollect that Mr. Nash had his trunks marked in the way in which he did as you just stated?

A. I can recollect that within a year or two after we were married that his trunks was marked J. M. Nash, New York city, and always after that time they were marked as I have stated.

43 Q. Did you stop at hotels when you and he were on these trips?

A. Yes.

44 Q. On such occasions were your names registered in hotel registers?

A. Yes. A great many of them I know personally to have been registered. On other occasions we were registered in my absence.

45 Q. Upon the occasions when you saw Mr. Nash and yourself register as you stated, who made the registrations and what was it?

A. My husband made the registration, and always regis-
272 tered J. M. Nash and wife, New York city. I recollect on the occasion of our trip to California, made in 1875, by direction of my physician on account of my delicate health, I saw my husband register for us on several occasions in the manner and in the words

as I have stated above, that is J. M. Nash and wife, New York city.

46 Q. You may state whether or not Mr. Nash, your husband, or you, or both of you, ever lived, or had any residence in the State of Indiana, during your marriage?

A. Never did. I have visited Indiana with my husband, during our married life four or five times, to visit Mrs. Wood and Miss Nash, sisters of my husband, and for no other purpose and on no other occasion. Mr. Nash has visited Indiana by himself as often as once a year, possibly a few years twice.

47 Q. When he was in the act of getting ready and going away from New York city, and when you did not go with him, what did he say, if anything, to you about going away?

A. At such times, more than once, he would say, I will be gone a short time but I can't say exactly when I will return home.

48 Q. Did you ever hear Mr. Nash on any particular occasion that you can recollect speak in relation to his residence or home?

A. I have many times, frequently, heard him speak on the subject. The earliest that I can specially recollect was on the occasion when we made a trip from New York city, our home, through Lafayette, Indiana; Memphis, Tenn.; and New Orleans, Louisiana; when my daughter Ada was 2 years and 3 months old. On this trip my husband's niece Mary Andress, then Mary Wood, ac-
273 companied us and I recollect that we stopped at Memphis, and a great many of Mr. Nash's friends called to see him at the hotel and he introduced me to several of them as his wife and he was asked by several of them where he lived and he told them he was in no business and his home was in New York city. His exact words I can not give, but I have stated the substance of them.

49 Q. Do you know whether Mr. Nash, your husband, voted in New York city or not?

A. He voted in New York city. Some times he would be out of the city of election day, which he regretted very much, as he declared to me. He voted in New York a great many times before he died. I can't tell the first time he voted, the last time I think was in '92.

FRANCES V. NASH.

Subscribed and sworn before me this 8th day of August, 1898.

LEWELEN E. TERRY,
[SEAL.] Notary Public, Suffolk Co., State of New York.

THE STATE OF NEW YORK, }
County of Suffolk, } ss:

I, Lewelen F. Terry, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Frances V. Nash, by me first duly

sworn according to law to testify to the truth, the whole truth, and nothing but the truth, relating to said cause: that her depo-
274 sition was reduced to writing by me Lewelen F. Terry a disinterested person, that the said plaintiff adverse party herein, did not attend in person or by attorney the taking of said deposition; and said deposition was taken — village hall, village of Greenport, in the county of Suffolk and State of New York on the 8th day of August, 1898, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day.

In testimony thereof, I have hereunto set my hand and seal, this 8th day of August, A. D. 1898.

LEWELEN F. TERRY,
Notary Public.

[SEAL.]

Cost Bill.

Writing deposition at 10 cents per 100 words (acts of 1875, page 45)	$2.50
Swearing witnesses, 10 cents each	.10
Certifying depositions, 50 cents each	.50
Postage	.20
Total cost of taking depositions	$3.30

Received of Judge B. W. Langdon the sum of $3.30 in full of my fees as above specified, and also $—, in full of constable fees.

The witnesses were paid their fees by ——.

LEWELEN F. TERRY,
Notary Public.

275 "EXHIBIT No. 3."

THE STATE OF INDIANA, } ss:
Warren County, }

In the Circuit Court, —— Term, 1899.

JAMES BUCK, Trustee, Defendant.

The plaintiff will take notice that on Monday the 30th day of January A. D. 1899, the defendant above named will take the depositions of Frances V. Nash, witnesses, to be used as evidence on the trial of the above cause, at the office of Augustus B. Carrington, Borel building, 115 Broadway, Manhattan borough, New York city, State of New York, between the hours of 8 o'clock a. m. and — o'clock p. m. of said day, and that the taking of the same will be adjourned from day to day, between the same hours, until *they are* completed.

LAN-DON & COFFROTH,
Attorneys for Defendant Buck.

Service of the above notice is acknowledged, dedimus and proof of the official character of the officer before whom the said depositions may be taken is by agreement waived; also all exceptions in regard to time.

Done this 26th day of January, 1899.

JOHN M. LA RUE,
Attorney for Plaintiff.

276 Caption.

Deposition of *sundry* witness taken before me, Augustus B. Carrington, a notary public within and for the county of New York, in the State of New York, pursuant to the annexed notice and at the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending in the Warren circuit court, Warren county, Indiana, in which William S. Baugh, treasurer of Tippecanoe county, is plaintiff and James Buck, trustee under the will of Job M. Nash, deceased, is defendant, no one being present on behalf of plaintiff and Archibald A. McGlashan on behalf of defendant.

FRANCES V. NASH, of lawful age, being by me first duly sworn, she deposes and saith as follows:—

1 Q. What is your name and where do you live?

A. My name is Frances V. Nash and I reside in Newark, N. J.

2 Q. Have you testified in this case before?

A. Yes, sir. My deposition was taken in this case in Greenport, county of Suffolk, in the State of New York on the 8th day of August, 1898.

3 Q. In that deposition I understand you to say that the plot of ground in Rural cemetery, White Plains, N. Y., in which Mr. Nash, your deceased husband was buried, was conveyed to you and Mr. Nash jointly?

A. Yes, sir. I did.

4 Q. Will you produce the deed or writing conveying to you and Mr. Nash that burial lot or plot of ground?

A. I cannot do so.

5 Q. Where is that deed or writing?

A. My husband delivered that deed to me to take care of; and I had the custody of it and kept it among my private papers
277 and it is now mislaid or lost and it cannot be found.

6 Q. What, if any, search have you made to find it?

6 A. I have very recently and only a day or so ago made a careful and diligent search among all my private papers and in every place where I thought it was, or might be; and that I am and have been unable to find it, and I do not know where it is or can be. It is lost and cannot be found.

7 Q. State the contents of that deed or writing?

7 A. I cannot tell just the words.

8 Q. State the substance of it as near as you can.

8 A. It was a writing signed by the Rural cemetery to Job M. Nash and Frances V. Nash certain burial lots in Rural cemetery, White Plains, Westchester county, N. Y. I cannot give the exact number or description of the lot. There were several of them. I cannot give the exact date of the deed or writing; but it was within a week after the death of my daughter as I have stated in my former deposition in this case.

9 Q. Was the deed or writing recorded?

9 A. No sir.

FRANCES V. NASH.

Subscribed and sworn before me this 30th day of January, 1899.

AUGUST B. CARRINGTON,
Notary Public, N. Y. Co.

278 THE STATE OF NEW YORK, } ss.:
County of New York, }

I, Augustus B. Carrington, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Frances V. Nash was by me first duly sworn according to law to testify to the truth, the whole truth, and nothing but the truth, relating to said cause; that her deposition was reduced to writing by me, a disinterested person, that the said William S. Baugh, treasurer, adverse party herein, did not attend in person or by his *or their* attorney, the taking of said depositions; and said deposition was taken at my office Boreel building, No. 115 Broadway, Manhattan borough, New York city, in the county of New York and the State of New York on the 30th day of January 1899, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day.

In testimony whereof, I have hereunto set my hand and official seal, this 30th day of January, A. D. 1899.

[SEAL.] AUGUSTUS B. CARRINGTON,
Notary Public, N. Y. Co.

(Inter. rev. stamp 10 cts.)

STATE OF NEW YORK, } ss.:
County of New York, }

I, William Sohmer, clerk of the county of New York and also clerk of the supreme court for the said county, the same being a court of record, do hereby certify that Augustus B. Carrington, before whom the annexed deposition was taken, was at the time of taking the same, a notary

(Int. rev. stamp, 10 cts.)
[SEAL.]

public of New York, dwelling in said county, duly appointed
279 and sworn and authorized to administer oaths to be used in any court in said State, and for general purposes; that I am well acqainted with the handwriting of said notary and that his signature thereto is genuine, as I verily believe.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court and county, the 30th day of January, 1899.

[SEAL.] WM. SOHMER, Clerk.

Cost Bill.

Writing depositions at 10 cents per 100 words (Acts of 1875, page 45)..	$.50
Swearing witnesses, 10 cents each	.10
Certif-ing depositions, 50 cents each	.50
Clerk's certificate, 50 cents each	.50
Postage	.15
	$1.75

Witness' Fees.

75 cents per day and 5 cents per mile travelling fees Frances V. Nash, 20 miles	1.75
Total costs of taking depositions	3.50

Received of Archibald A. McGlashan the sum of $1.75—in full of my fee as above specified, and also in full of constable's fees. The witnesses *were* paid *their* fees by Archibald A. McGlashan.

AUGUSTUS A. CARRINGTON.

280 "EXHIBIT No. 4."

THE STATE OF INDIANA, } *ss:*
Warren County, }

In the Warren Circuit Court, March Term, 1899.

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Plaintiff, }
vs. }
JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Deceased, Defendant. }

The plaintiff wil- take notice that on Wednesday the 1st*h* day of March, A. D. 1899, the defendant above named will take the deposition of Charlotte G. Bushnell, witnesses, to be used as evidence on the trial of the above cause, at the law office of David L. Withing-

ton, in Pierce, Morse block, room No. 15 in San Diego, California, in the county of San Diego, in the State of California, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day, and that the taking of the same will be adjourned from day to day between the same hours until *they are* completed.

LANGDON — COFFROTH,
Attorney- for Defendant.

Service of the above notice is acknowledged and dedimus and proof of the official character of the officer before whom the said depositions may be taken is by agreement waived.

Done this 8th day of February, 1899.

JOHN M. LA RUE,
Attorney for Plaintiff.

281 Caption.

Deposition of the witness taken before me, E. E. Carter, a notary public within and for the county of San Diego, in the State of California, pursuant to the annexed notice and at the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending in Warren circuit court in which William S. Baugh, treasurer of Tippecanoe county, Indiana, is plaintiff and James Buck, trustee under the will of Job M. Nash, is defendant, no one being present on behalf of plaintiff and David L. Withington, Esq., on behalf of the defendant.

CHARLOTTE G. BUSHNELL of lawful age, being by me first duly sworn deposes and saith as follows:

Interrogatories to Mrs. CHARLOTTE G. BUSHNELL put by DAVID L. WITHINGTON, Esq., in behalf of the defendant:

Q. What is your name, age and residence?

A. Charlotte G. Bushnell, 52 years of age, and reside in San Diego, California.

Q. Were you acquainted with Job M. Nash, now deceased?

A. Yes sir.

Q. Where did you become acquainted with him and how long did your acquaintance with him continue?

A. My first recollection of seeing him was in Lafayette, Indiana, when I was eight years old and our acquaintance continued until his death in 1893. After my father and mother's death, when I was eight years old, I went to Lafayette to live with my aunt, Caroline Nash, with whom I lived, excepting when away to school, until I was married to Albert Bushnell, now deceased, in 1884, when we went to Indianapolis to live.

Q. How frequently did you see your uncle Job M. Nash
282 after the time of your first acquaintance with him until his death?

A. I can not say exactly when I saw him every time he came to Lafayette when I was living there, except when I was away attending school. After I went to Indianapolis to live, he visited me there. I also accompanied him on trips for his health and was with him at health resorts and saw much of him at his home in New York city while I was in that city as a student for nearly two years.

Q. What was his business, if you know, when you first became acquainted with him and how long was he engaged in it?

A. He was a commercial traveller and continued in that business for several years, I can not say how long.

Q. How did you learn that fact?

A. I saw him when he came to Lafayette, and I also saw his travelling case containing samples of the goods that he had for sale and he told me then that was his business, I can not state the exact words. He used to come once or twice each year to Lafayette, during this period, to visit his sisters who lived there, who were Mrs. Thomas Wood, and my aunt Caroline Nash, commonly called Aunt Tinney. He was then travelling for some business house in Cincinnati, Ohio, and when he came to Lafayette as I have stated, he staid a few days and some times for a week or two weeks and then he would go away.

Q. Where did he live or reside during the years you say he was a commercial traveller?

A. He told me that his home was in Cincinnati. I visited him in Cincinnati. I remember distinctly visiting him in 1861 when he was living at the Burnett house.

Q. Where did he live in residence after that if you know?

283 A. In 1864 he was married in New York city and resided from that time continuously until his death in 1893 and had his home in New York city in the State of New York.

Q. Did he ever at any time, during your acquaintance with him, live or reside in Lafayette, Indiana?

A. Never since I can recollect.

Q. Did he have a trunk or valise?

A. Yes, I have frequently seen both.

Q. Did you ever notice or observe anything on them?

A. Yes I did.

Q. State what you observed, and when and under what circumstances you made your observations?

A. I saw him at Aunt Tinney's house in Lafayette in 1865, 1866, or 1867, I can not say which year now, and he brought a trunk and a valise and I recollect the trunk was marked in these letters and words, namely, "J. M. N. New York city," and his valise was marked with his name or the initials of his name but I can not state exactly which. In 1868, Uncle Job made another visit to Lafayette, and stopped at Aunt Tinney's where I was. I recollect it was on an occasion when he spoke to me and Mary Wood, now Mary Andress, about making him a visit. I can not tell just his words, but the substance of what he said was that he wanted us to go home with

him to New York and that then he would take his wife, Aunt Frank and his baby and we would go to Saratoga Springs, New York, and I recollect his trunk, and it was canvass covered and it was marked as follows: "J. M. Nash, New York city." We did not go, I remember we were very much disappointed. In 1869, he came to Lafayette and brought his wife, little daughter Ada, and her nurse with him. They stopped with Mrs. Wood and his sister, that was the first time that I had seen Aunt Frank his wife. I remember
284 very well that Uncle Job, Aunt Frank and the baby Ada each had a trunk. One was marked "Frances V. Nash, New York city," another was marked "J. M. Nash New York city," and the baby's little trunk was marked "Ada D. Nash New York city."

Q. What, if anything, did he say to you or in your presence, and what did he do if anything on that occasion?

A. I do not recollect his words, but the substance of what he said to me and to others in my hearing was that he and his family had come to make a visit in Lafayette and then they would make a trip in the South and that they would leave the baby and nurse with Aunt Tinney until they returned. I helped take care of the child. He invited Mary Wood, now Mrs. Andress, to go with them, and shortly after Uncle Job, Aunt Frank, his wife, and Mary Wood went South and they returned in the spring of 1869 and came to me and stopped at my Aunt Tinney's and after Aunt Frank recovered from quite a spell of sickness Uncle Job said "We will go home now" and they shortly afterwards took the train from Lafayette for New York city. I remember Aunt Frank was impatient to get away. They went home by the way of Canada.

Q. Did you ever hear him say anything about where he lived or had his residence or home?

A. Yes, a great many times.

Q. Please state what he said as far as you can recollect in reference to his home, residence or the place where he lived, if he said anything?

A. I remember that on one of his visits to Lafayette, when he stopped at Aunt Tinney's he showed Aunt Tinney and me a picture of his daughter who was then a small infant, I can only give the substance of what he said, at that time and it was that the picture was his little baby and that his wife was home and living in
285 a hotel in New York city and that he thought when people were married they should or ought to keep house, if they could, and that he wanted to buy a home in New York. He and his wife came to Lafayette in the summer of 1873 and went to Waukesha Wisconsin, and returned from thence to attend the funeral of Mr. Thomas Wood, his brother-in-law. They stopped at the Lahr house in Lafayette, and when they were about ready to go from Lafayette he called on Aunt Tinney and me and said "I am going home and have come to say good-bye" and they then went away. In the fall of 1874. he stopped off at Lafayette on his way to Hot Springs, Arkansas, to take his sister Mrs. Wood and me

away with him. I saw him register at the Grand Central hotel from New York. I heard him talking to the physician at Hot Springs about his health. I don't know exactly how he expressed himself but it was that his wife was not with him that she was sick and had to stay home in New York city, that she was too poorly to come out with him. I went with him then to New Orleans by way of Memphis and at New Orleans and just before leaving that city I heard him say to Mr. Kidder, who had been travelling with us, that he wanted Mr. Kidder to go home with him to New York, that he had to get back home because his wife was sick, and Uncle Job then went to New York city. In 1879 Uncle Job wrote a letter from New York city to Aunt Tinney stating that he and his wife were going to Saratoga Springs to spend a part of the summer and invited her and me to join them and we did. This letter was destroyed many years ago with other old papers but I read and have given as near as I can what it contained. Uncle Job and I met one of the relations of my family there, an uncle
286 of my mother's whom we did not know before. Uncle Job had a conversation with him in my presence. I can not tell just the words used but it was as near as I can remember that he, Uncle Job and his wife, were in Saratoga Springs to spend the summer, that his home was in New York city that his wife was in bad health since the loss of their children and he spoke to him of me. In the summer of 1882 he came to Lafayette to take me and Aunt Tinney to Waukesha springs, Wisconsin, and we went *the* there with him. I saw him register J. M. Nash, New York city. He registered Aunt Tinney and me from Lafayette. He introduced me to the proprietor or the hotel at which we were stopping and told him in substance for I can not give what he said more particularly, that Aunt Tinney was his sister and I was his niece, and that he had left his wife home in New York because she was too feeble to come with him. Afterwards he stopped at Madison, Wisconsin, to see Mr. Forseman a relative and at the table in Mr, Forseman's house I heard Uncle Job say to him as near as I can recollect, because I can not give his language, that he had been to Waukesha springs on account of his health; that he had invited Aunt Tinney and me to come with him for company; that his wife could not come and he had to leave her home on account of her bad health; we all returned soon from Waukesha springs to Lafayette and he said there to Aunt Tinney and me "I must go home to see my wife." In May 1887 a few weeks after my husband's death, my Uncle Job on his way to New York stopped at Indianapolis to see me and in the presence of some visitors Mrs. Taylor and Mrs. Williams he spoke of being in California in the winter of 1874 with his invalid wife; that she had lost her voice after her
287 children's death and was a great invalid. He spoke of his home in New York city and said he was going home to New York. He said his wife didn't like to travel and he left her at

home there. I remember about his speaking about his clothes and shoes.

Q. If he had a trunk on the visit to Waukesha and you noticed it you may state what you observed, if anything?

A. It was marked with the letters "J. M. Nash, New York city.

Q. If you visited him at or about the year 1883 state the circumstances?

A. He came to Lafayette and stopped at Aunt Tinneys' in 1882 or 1883. I was very anxious to take drawing lessons and he said to me "If you want to go to New York I will pay your fare." I went with him to New York and stopped at the Metropolitan hotel a few days and then he took me to a boarding house kept by Mrs. Higgins.

Q. If any conversation took place with Mrs. Higgins in your presence in which he spoke of his home or residence or where he lived, please state it.

A. Yes, he introduced me to Mrs. Higgins and — I was his niece and was desirous of studying drawing and he wanted to get a place to board and that his home was in New York and he and his wife were living at the Metropolitan hotel.

Q. How long did you stay in New York city?

A. Until about October, 1884.

Q. You may state if you saw your Uncle Job or his wife in that city while you were there.

A. Yes, I saw them a great many times.

Q. Where and under what circumstances did you see them?

A. I went to the Metropolitan hotel at their home where
288 they lived.

Q. When you left New York about October, 1884, where did you go and how long did you remain there?

A. I went to Lafayette to my Aunt Tinney's and remained until I was married December 16th, 1884, to Mr. Bushnell, and then went to Indianapolis to live.

Q. Do you recollect of your Uncle Job M. Nash having spoken on any other occasion than those you have named about his residence or the place where he lived or where he and his wife lived?

A. Yes, a number of times.

Q. State those that you recollect.

A. Shortly before my marriage he was talking with Mr. Bushnell in my presence. He spoke about how much he had done for me. He spoke of his home being in New York city and that he always expected to live there. His wife was not *living* to live elsewhere. He came to Indianapolis shortly after we were married, said that he was on his way home. He spoke about how pretty our home was and how much he would like to have a home other than a hotel, and that he never expected to live elsewhere than in New York and in a hotel on account of his wife. She didn't care for her home. The last time I saw him was in the summer of 1890 in a chair car at the station at Indianapolis.

Q. How did he appear and what, if anything, did he say?

A. He was very feeble and on his way to New York. Mr. James Buck was with him, he said to me "I have been sick; Jimmie (referring to Mr. Buck) is taking me home." That is the last time I ever saw him.

Q. Did he ever write you or your Aunt Tinney any letters?

A. He wrote to both of us but seldom.

289 Q If you know you may state where they are?

A. The letters written to me and to Aunt Tinney were all destroyed. They were destroyed before Mr. Nash's death. They didn't seem to be of any value and were destroyed in moving.

Q. Did you read them?

A. Yes.

Q. What was written in them or any one of them?

A. I remember one letter in which he invited Aunt Tinney and me to come on to Saratoga, I can not recall the others.

Q. If you recollect if any of them were addressed from any particular place you may state it.

A. Yes, from New York city; he wrote but few letters and the few we had were from New York city.

Q. How old was your Uncle Job M. Nash when he died?

A. I think he was seventy-four years old.

Q. If Caroline Nash, your Aunt Tinney, is living, state where she lives, how old she is and the condition of her health.

A. She lives with me in San Diego, is 83 years of age and is very feeble.

Q. If you have at any times seen your Uncle Job M. Nash register at any hotels state when, where and what you saw him write upon the register and the circumstances.

A. In 1882 when I went with Aunt Tinney to Waukesha Springs with him, at the Fountain Springs house, I think, it was called, I saw him register J. M. Nash, New York city, Caroline L. Nash, Lottie G. Nash, Lafayette Indiana. In 1874, I think it was, at the time I went to Hot Springs, Arkansas, I saw him register at the Grand Central hotel from New York. I saw him write J. M. Nash, New York city, Mrs. Mary E. Wood, Lafayette, Indiana. I was

290 looking over the register to see who was there whom I knew. I do not remember seeing him register at other times although I was at other hotels with him.

CHARLOTTE G. BUSHNELL.

Subscribed and sworn to before me this fifteenth day of March, 1899.

[SEAL.]

E. E. CARTER,
Notary Public in and for the County of
San Diego, State of California.

THE STATE OF CALIFORNIA, County of San Diego, } ss:

I, E. E. Carter, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Charlotte G. Bushnell was by me duly sworn according to law to testify to the truth, and nothing but the truth, relating to said cause; that her deposition was reduced to writing by me, a disinterested person, that the said William S. Baugh treasurer Tippecanoe county, Indiana, the adverse party herein, did not attend by his attorney, the taking of said deposition; and said deposition was taken at the office of David L. Withington, room 15 Pierce Morse block, San Diego, in the county of San Diego and State of California on the 15th day of March, 1899, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day.

In testimony whereof, I have hereunto set my hand and official seal, this 15th day of March, A. D. 1899.

[SEAL.] E. E. CARTER,
Notary Public in and for the County of
San Diego, State of California.

291 Cost Bill.

Writing depositions at 10 cents per 100 words (acts of 1875, page 45)	$3.15
Swearing witnesses, 10 cents each	.10
Certifying depositions, 50 cents each	.50
Postage	.15
	$3.90

Received of defendant Jas. Buck, trustee, the sum of $3.90 in full of constable's fees. The witnesses were paid their fees by,

E. E. CARTER.

292 EXHIBIT No. 5.

THE STATE OF INDIANA, Warren County, } ss:

In the Warren Circuit Court, October Term, 1898.

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased.

The plaintiff wil- take notice that on Friday the 26th day of August, 1898, the plaintiff above named will take the depositions of Abraham J. Horton and Deborah A. Horton witnesses, to be used as

evidence on the trial of the above cause, at the law office of Platt & Thompson, No. 106 Railroad avenue, White Plains, in the county of Westchester in the State of New York, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day, and that the taking of the same will be adjourned from day to day, between the same hours until they are completed.

JAMES BUCK, Trustee, Defendant.

Service of the above notice is acknowledged, dedimus and proof of the official character of the officer before whom the said depositions may be taken is by agreement waived; also all exceptions in regard to time.

Done this 22nd day of August, 1898.

HANLY, WOOD & SIMMS,
JOHN M. LA RUE,
Attorneys for Plaintiff.

293 Caption.

Deposition of sundry witnesses taken before me, Lewis C. Platt, a notary public within and for the county of Westchester, in the State of New York, *within and for the county of Westchester, in the State of New York*, pursuant to the annexed notice and at the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending in the Warren county circuit court, Indiana, in which William S. Baugh, treasurer of Tippecanoe county, Indiana, is plaintiff and James Buck, trustee under the will of Job M. Nash, deceased, defendant, and no persons and parties being present on behalf of the plaintiff and Byron W. Langdon, Esq., on behalf of defendant.

And DEBORAH A. HORTON of lawful age, being by me first duly sworn deposes and saith as follows:

294 Q. 1. State your name age and residence?

A. Deborah A. Horton, age 74, residence town of White Plains New York.

Q. 2. Were you acquainted with Job M. Nash deceased?

A. Yes, I was acquainted with him since he was a young man.

Q. 3. What, if any, relation was he to you?

A. He was my own cousin.

Q. 4. You may state whether he was married or not and if he was were you acquainted with his wife?

A. Yes; he was married to Frances V. Phillips whom I knew sometime before their marriage.

Q. 5. If you know you may state when they were married and where?

A. They were married in New York city sometime between 1860 and 1865.

Q. 6. Did Mrs. Nash bear any children by that marriage?

A. Yes, two.

Q. 7. Where were they born?

A. They were both born in New York city and were both born in the early years of their married life.

Q. 8. Were you acquainted with them and if so what were their respective names?

A. Yes I knew them, the elder was a daughter whose name was Ada D. Nash and the younger was a boy whose name was Jay M. Nash.

Q. 9. Are they dead or living?

A. Both dead.

Q. 10. When did they die and where?

A. Ada died in New York city and Jay died in Tarrytown, New York. Ada died first at the age of about 6 or 7 years, I
295 think, and Jay died afterwards at the age of about two years.

Q. 11. Where were they buried?

A. They were both buried in the Rural cemetery at White Plains, New York.

Q. 12. Did Mr. Nash have a burial lot or lots in Rural cemetery White Plains, New York, and if he did you may state when he became possessed of them or obtained them?

A. Yes he had, he became the owner of several burial lots which adjoined each other and he became the possessor of them within a few months after the death of his daughter Ada and his daughter Ada was buried in one of the lots and afterwards his boy Jay was also buried there.

Q. 13. What, if any, monuments or tombstones were erected by Mr. Nash in his burial lot in the said Rural cemetery?

A. Shortly after the death of his daughter Ada he erected a large white marble shaft on his plot.

Q. 14. If there were any inscriptions or marks on this shaft, you may state what they were if you know?

A. Yes there were, I recollect that there was at the time cut in large letters on the shaft the word "Nash" about midway up the shaft and the name "Nash" was his family name.

Q. 15. Where was Mr. Nash buried?

A. He was buried in his burial plot in Rural cemetery, White Plains, New York.

Q. 16. You say that Mr. Job M. Nash was your own cousin. Was he such through the blood of his father's or mother's family?

A. Yes; he was my cousin through the family of his mother who was my father's sister.

Q. 17. Where was his mother born and raised and where did her father and mother live?

296 A. She was born in Westchester county, New York, where his father and mother lived and there was at and before that

time and ever since and now is still residing in Westchester county New York quite a large connection of Nash's family.

Q. 18. You may state if you know, where some of his near deceased relatives are buried.

A. His grand-father and grand-mother and a brother and sister were buried in Rural cemetery aforesaid, and also other relatives of his besides those I have mentioned, were buried there.

The further taking of these depositions was resumed pursuant to the foregoing adjournment at 10 o'clock a. m. at the same place. The taking of these depositions was resumed pursuant to the foregoing adjournment at 10 o'clock August 27th, 1898.

Q. 19. Where, if you know, did Mr. Job M. Nash live or have his residence?

A. He and his wife always lived and had their home in the city of New York. They never lived at any other place, and when they went away, they always returned to their home in New York city.

Q. 20. How frequently did you see Mr. Nash, if you saw him at all, during the last twenty-five years of his life?

A. I saw him as frequently as four or five times every year during that period of his life.

Q. 21. Where did you see him and under what circumstances?

A. He and his wife visited at the home of my father, where I then lived, and after my father's death they visited me and my family at our home, as often, as once or twice and sometimes as often as three times every year during a period of more than twenty-five years before his death.

297 Q. 22. Where did your father live at the time you say that Mr. Nash visited him?

A. My father was a farmer, and owned a farm located about one or two miles from the village of White Plains, Westchester county in the State of New York. He and his family resided on that farm during the times Mr. Nash visited my father.

Q. 23. After your father's death where was your home or residence?

A. It was at the old homestead of my father, until the year of 1892 since which time my home has been and is at present located about a mile from the village of White Plains, New York, where I keep house with my two brothers.

Q. 24. If any one accompanied him or came with him, when he visited you or your father, state who it was.

A. He always was accompanied by his wife, and his children when they were living, and their nurse.

Q. 25. How long did these visits last?

A. Each visit was at least one or two weeks in duration and sometimes as long as three weeks.

Q. 26. You may state whether you ever visited Mr. Nash during

the last twenty-five years of his life, and if you did you may also state where you visited him, and how frequently.

A. I visited Mr. Nash and his family at their home where they lived in New York city, as often as once and sometimes twice each year during the twenty-five years preceding his death.

Q. 27. Did you ever hear him say anything about his residence or the place in which he lived?

A. Yes. I have heard him speak about where he lived and his home very many times.

Q. 28. On what occasions did he speak to you about his
298 residence or the place where he lived?

A. I remember that he invariable spoke of the matter when ever he visited my father or me during the time I have mentioned.

Q. 29. You may state what the occasion was of his speaking of the subject of his residence or the place where he lived.

A. The occasions were particularly when he invited, as he did, my father and the members of his household, and also after my father's death, when he invited me upon each visit to my father or to me, to visit him and his family in New York city.

Q. 30. What did he say when he extended to your father or to you these invitations to visit him in New York city?

A. I cannot give his exact language.

Q. 31. Well you may state the substance of what he said when he gave those invitations to visit him, or any of them.

A. Well the substance of what he said when he gave an invitation to father or me to visit him was "To come down to New York city and make us, meaning Mr. Nash's family, a visit at our home, in New York city" and sometimes he would add to what I have said, he said: Our home is in the hotel and he would some times on such occasions, say that their home would probably always be in a hotel, as his wife's health was too poor to keep house.

DEBORAH A. HORTON.

299 ABRAHAM JAY HORTON of lawful age being by me first duly sworn deposes and says as follows:

Q. 1. State your name and residence?

A. Abraham Jay Horton, age 70 years, residence White Plains, Westchester county, New York.

Q. 2. Did you know Job M. Nash?

A. Yes, I knew him.

Q. 3. What relation was he to you, if any?

A. He was a first cousin of mine.

Q. 4. How far back did your acquaintance with him extend prior to his death?

A. I was acquainted with him for forty years before he died.

Q. 5. What relation are you to Deborah A. Horton?

A. She is my sister.

Q. 6. Did you know of Job M. Nash and his wife visiting your sister at her home?

A. Yes.

Q. 7. How frequently and for what extent of time prior to his death did Mr. Nash and his wife visit your sister's home?

A. I lived with my sister and brother and we had out home together for more than twenty-five years last past, at our residence which is about a mile from the village of White Plains, New York. Mr. Job M. Nash and his wife visited us at our home every year during the period of twenty years prior to his death, and at least once three times each year during that period and would stay with us from one to three weeks at a time.

Q. 8. Where did Mr. Nash live, say for a period of twenty-five years before his death?

A. He and his wife lived in New York city and had their home there during all of that time and lived at no other place, and
300 when they went away from New York city they always returned there.

Q. 9. Did you ever visit him in New York city?

A. Yes I have visited him and his family at their home in New York city, on several occasions during a period of twenty-five years prior to his death.

Q. 10. Did you ever hear him speak in reference to his residence?

A. Yes, I have many times throughout my acquaintance with him.

Q. 11. How frequently?

A. I don't think he ever made a visit, at the home of myself and sister and brother, without giving me a personal invitation to visit or call on him and his family.

Q. 12. What did he say?

A. I cannot give his exact words.

Q. 13. You may then give the substance of what he said, if you can.

A. The substance of what he said was "When you are in the city of New York or in the city come and visit me or come and see us; you will always find me or you will always find us at home.

Q. 14. You may state if you know, whether any taxes were paid by or for Job M. Nash or on his account, if any were paid.

A. I know that taxes were paid which were, assessed against him in Westchester county, New York.

Q. 15. When was it they were paid and by whom?

A. I know that Job M. Nash paid taxes to the collector of taxes for the town of White Plains, New York, for State, county, town and school taxes in the year 1883, 1884 and 1885. I paid his
301 taxes in the years 1883 and 1885 and Job M. Nash paid them himself in 1884. Mr. Nash furnished me the money to pay the taxes. Whether or not there were taxes against him for other years I don't know anything about it.

Q. 16. You say you paid the taxes for Mr. Nash in the years 1883 and 1885?

A. Yes, sir.

Q. 17. For what year was these taxes which you paid?

A. The taxes I paid in 1883 for Mr. Nash were for taxes due for 1882. And those which I paid in 1885 were for taxes due for and assessed in 1884.

Q. 18. How much did you pay in 1883, to the collector of the town of White Plains, on account of Job M. Nash's taxes?

A. I paid the sum of ($1020.87) one thousand and twenty 87/100 dollars.

Q. 19. Upon what property (if you know) was he assessed for these taxes?

A. I know it was on account of money that he had on deposit in White Plains, Westchester county, New York.

ABRAHAM J. HORTON.

THE STATE OF NEW YORK, County of Westchester, } ss.:

I, Lewis C. Platt, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named, Deborah A. Horton and Abraham Jay Horton both being by me first duly sworn according to law to testify to the truth, the whole truth, and nothing but the truth, relating to said cause; that their depositions were reduced to writing by me a disinterested person, in my presence and under my directions; that the said William S. Baugh treasurer of Tippecanoe county,
302 Indiana, the adverse party herein, did not attend by his or their attorney, the taking of said depositions; and said depositions were taken at the office of Platt & Thompson att'ys &c. 106 Railway avenue, White Plains in the county of Westchester and State of New York on the 26 and 27th day of August 1898, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day.

In testimony whereof, I have hereunto set my hand and official seal, this 27th day of August A. D. 1898.

[SEAL.]

LEWIS C. PLATT,
Notary Public in and for
Weschester County, New York.

Cost Bill.

Writing deposition at 10 cents per 100 words (Acts 1875, page 45)	$1.50
Swearing witnesses, 10 cents each	.20
Clerk's certificate, 50 cents each	1.00
Postage	.25
	$2.70

Received of James Buck by B. W. Langdon att'y the sum of $2.70 in full of my fees as above specified, and also $— in full of constable's fees.

The witnesses were paid their fees by

LEWIS C. PLATT,
Notary Public.

(Stamp.)

EXHIBITS Nos. 6 & 7.

THE STATE OF INDIANA, } ss.:
Warren County, }

303 In the Warren Circuit Court, September Term, 1899.

WM. S. BAUGH, Treasurer Tippecanoe County, Indiana, }
vs.
JAMES BUCK, Trustee Under the Will of Job M. Nash, Dec'd. }

The plaintiff will take notice that on Friday the 25th day of August A. D. 1899, the defendant above named will take the depositions of David Barnet, Eugene E. Graham, Elisha M. Billington witnesses, to be used as evidence on the trial of the above cause, at the office of Keating Walradt & Miller Exchange court 52 Broadway Manhattan borough, New York city in the county of New York in the State of New York, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day, and that the taking of the same will be adjourned from day to day, between the same hours, until they are completed.

LANGDON & COFFROTH,
Attorney- for Defendant.

Service of the above notice is acknowledged, dedimus and proof of the official character of the officer before whom the said depositions may be taken is by agreement waived; also all exceptions in regard to time.

Done this 22nd day of August, 1899.

WILL R. WOOD,
Attorney for Plaintiff.

Caption.

Depositions of sundry witnesses, taken before me, George William Hart, a notary public within and for the county of New
304 York, pursuant to the annexed notice and at the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending in the Warren circuit court of Warren county, in the State of Indiana, in which William S. Baugh, treasurer of Tippecanoe county, Indiana, is plaintiff, and James Buck, trustee under the will of Job M. Nash, deceased, is defendant, no one being present on behalf of plaintiff, and Archibald A. McGlashan, Esq., on behalf of defendant.

DAVID BARNNETT of lawful age, being by me first duly sworn deposes and saith as follows:

Q. 1. State your name, age, residence and business?

A. My name is David Barnett, I am 66 years of age, I reside at 596 McDonough St. Brooklyn city of New York, State of Yew York, and now I am deputy collector of city revenues, in the office of the comptroller of the city of New York and have been such during eleven years under four (4) city administrations.

Q. 2. How long have you been a resident of New York city?

A. Sixty-six years.

Q. 3. Were you acquainted with Job M. Nash, and if you were, when did you first become acquainted with him?

A. I knew Mr. Nash well, and first became personally acquainted with him in 1879.

Q. 4. Do you know of your own personal knowledge whether Job M. Nash voted at any public election during the time you were acquainted with him?

A. Yes, sir, I know of my own personal knowledge that Job M. Nash voted in the city of New York in the State of New York in the years 1884 and 1885, at public elections.

Q. 5. State any fact or circumstances of the voting of Job
305 M. Nash in 1884 and how you came to observe them, if you did?

A. I was captain of the regular Democratic organization of the sixteenth election district of the third assembly district in the city of New York for the year 1884, and as such captain it was part of of my special duties that year and as an organization worker for my party to get out the full vote in my election district on election day in November, 1884, at the State and national election I spent my whole time getting out votes and taking them to the polls in cabs, when necessary and seeing to it that they voted. And it was also my duty that year as an organization worker for my party, and as such captain, to obtain knowledge of and know about the residence of the people in the said 16th election district of which I was

captain; and I took great pains to know the facts about their residences, and to get out the full vote in my election district on election day. The voting place in my election district (the 16th) in 1884 was at the southwest corner of Spring street and Crosby street in the city of New York; and the Metropolitan hotel was in my election district, and Job M. Nash, to my personal knowledge, lived and resided in that hotel during the years 1880 to 1884 both inclusive.

The election day in November 1884 (it came on the first Tuesday after the first Monday) in that month, I remember exceedingly well, because it was partly as a result of my work on that day that I obtained my first appointment to office. During that day, while getting voters to vote, I saw Job M. Nash and John Graham, the famous criminal lawyer, sitting and chatting in the Metropolitan hotel. I knew them to be Democrats and that they were
306 registered voters residing in my election district and I urged them to vote. It was a rainy day and they did not want to go out on account of the rain. I called a cab and got them to enter it. They drove toward the polls, and I followed on foot, and reached the polls almost as soon as they did. I met them there and gave each of them, Mr. Job M. Nash and Mr. John Graham a Democratic ballot, and I waited until they voted, and I saw each of them cast his vote then and there.

Q. 6. What public election was it at which you saw Job M. Nash vote in 1885?

A. It was at the State election held in the month of November, 1885.

Q. 7. Where did Job M. Nash live at and sometime before this election in 1885, if you know?

A. He lived in the Metropolitan hotel, about which I have testified. I know of my own personal knowledge, that he lived and resided there, continuously during the years 1880 to 1885, both inclusive. I saw him almost daily, and saw him there; and in conversation with him on the subject of his residence or home, he told me that he resided in that hotel. I cannot give his exact language nor my own on such occasions; but I have stated the substance.

Q. 8. What, if anything, do you recollect about the voting of Job M. Nash in 1885?

A. I do not remember so many details of Mr. Nash's voting in that year, I recollect very well that he went to the polling place and I saw him vote, and know that he voted.

DAVID BARNETT.

Subscribed and sworn to before me this 25th day August,
307 1889.

[SEAL.] GEORGE WILLIAM HART,
Notary Public, County of New York.

At this point adjournment was taken to August 26th, 1889.

GEORGE WILLIAM HART,
Notary Public, County of New York.

ELISHA M. BILLINGTON of lawful age being by me first duly sworn, deposeth and saith:

Q. 1. State your name, age and residence?

A. My name is Elisha M. Billington I am 70 years of age; I reside at 204 Mercer street, New York city. I am a jeweler doing business now, and for the last twenty years at 214 Mercer street, State of New York, city of New York.

Q. 2. If you ever held any official position, state when and where, what it was and what you did?

A. In 1881 I was an inspector of elections in the first election district of the seventh assembly district, in the city of New York, State of New York; and I performed the duties of the office. In the fulfillment of the duties of my office, as such inspector, I attended on certain days preceeding the election day at the polling place or places where voters voted in the first election district of which I was inspector for the purpose of examining those persons who came there to be registered, as to their right or qualifications to vote at the ensuing election; and if they were qualified to record in a register, or a book prepared or furnished by the authorities for the purpose; the fact of their qualifications, together with
308 such questions as were put to them touching their qualifications to vote, and the answers given to such questions.

Q. 3. Were you acquainted with Job M. Nash, and if so, when and where did you become acquainted with him?

A. I was acquainted with Job M. Nash and became acquainted with him in 1888 at the city of New York.

Q. 4. Where did he then live or reside?

A. In the first election district of which I was inspector, New York city, State of New York.

Q. 5. State whether or not Job M. Nash made any application for registration as a voter?

A. Yes, sir.

Q. 6. Where and when was it and what facts do you know about it?

A. Job M. Nash, on the 26" of October 1888, came to the polling place in the first election district, of which I was inspector, and asked to be registered as a voter of that district. I was then and there an inspector and in the execution of the duties of my office as such, I saw Job M. Nash on that occasion. He was sworn and then questioned and he answered as to his name, age, residence, place of birth for the purpose of ascertaining if he had the right to vote or not. I remember him and the occasion quite well, I can not state the very words or language of the questions put to him, nor of the answers he made; but the substance of them was:

Q. Where is your residence?

A. 671 Broadway.

Q. What is the number of your room in the hotel?

A. 542.

Q. What is your name?
309 A. Job M. Nash.
Q. Where were you born?
A. Ohio.
Q. How long have you resided in this election district?
A. Two years.

And the answers were recorded by me the inspector in the book or register, of voters kept for that purpose, under the questions which were printed in the books.

Q. 7. State whether or not Job M. Nash voted?
A. Yes, sir; he did.
Q. 8. Where and when did he vote?
A. I saw Job M. Nash vote at the election held in November 1888 at the polling place in the first election district in the south assembly district in the city of New York, State of New York where and when an election for President of the United States and local affairs was held. I was there as inspector of that election and in the discharge of the duties of my office. I saw Job M. Nash there, and I saw him vote, and I made the record of the fact that he did vote.

ELISHA M. BILLINGTON.

[SEAL.] Subscribed and sworn to before me this 28th day of August 1899.

GEORGE WILLIAM HART,
Notary Public, County of New York.

EUGENE E. GRAHAM; of lawful age, being by me first duly sworn deposeth and saith:

Q. 1. What is you name, age, residence and business?
A. My name is Eugene E. Graham, age 32, I reside at 116 West 27" street, New York city N. Y. and am a private watchman and I had the same residence in 1892.
310 Q. 2. State whether or not you held any official position in 1892?
A. I did.
Q. 3. What was it?
A. I was an inspector of elections in the sixth election district of the eleventh assembly district for the city and State of New York.
Q. 4. As such inspector, you may state what you did, if anything?
A. Part of my official duties were to attend on certain days preceding election day at the following places where voters cast their votes, and question those who presented themselves there to have themselves registered as voters in the election district of which I was one of the inspectors. Such applicants for registration were sworn and then questioned and if their answers showed they were entitled to vote in any election district, their answers and also the

fact that they were entitled to vote were recorded in books made for that purpose, and furnished by the public authorities.

Q. 5. Were you acquainted with Job M. Nash and if so, when and where did you first become acquainted with him?

A. I knew Job M. Nash, and first became acquainted with him in 1892 in the city of New York.

Q. 6. If you know you may state where he resided during the year 1892?

A. He lived in the Park Avenue hotel in the city of New York, State of New York during a part of that year at least.

Q. 7. Where was the Park Avenue hotel with reference to the sixth election district of which you say you were inspector?

311 A. That hotel was within the bounds or limits of the sixth election district of which I was an inspector.

Q. 8. State whether or not Job M. Nash made any application to be registered as a voter.

A. Yes sir, in 1892.

Q. 9. State where, when it was and what was said and done on that occasion if you know.

A. On the 28th day of October, 1892, at the polling place of the voters of the sixth election district of which I was an inspector, where I was then acting as such inspector Job M. Nash personally presented himself and requested to be registered as a voter. He was then questioned as to his qualifications or right to vote and he answered the questions put to him. The questions put to him and the answer thereto I can not give the exact words then used, but the substance of the questions and answers were:

Q. Where is your residence?

A. Park Avenue hotel.

Q. What is the number of your room in said hotel?

A. 470.

Q. What is your name?

A. Job M. Nash.

Q. Where were you born?

A. Ohio.

Q. How long have you resided in this election district?

A. Two years.

The answers were recorded by the inspectors, in the books provided for that purpose under the questions which were printed in the books.

Q. 10. You may state, if you know whether or not, Job M. Nash voted in the year 1892?

312 A. Yes sir; he did.

Q. 11. When and where was it?

A. It was on the 8th day of November, 1892, at the polling place in the sixth election district of the eleventh assembly district of the city of New York in the State of New York where an election was being held for President and governor. I was then and there present in the discharge of my official duties as inspector of elections,

and where I was required to attend. I remember that Job M. Nash came to the polling place where I was upon the day I have mentioned and I saw him vote.

EUGENE E. GRAHAM.

[SEAL.] Subscribed and sworn to before me this 28th day of August, 1892.

GEORGE WILLIAM HART,
Notary Public, County of New York.

THE STATE OF NEW YORK, County of New York, } ss:

I George William Hart, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named David Barnett, Elisha M. Billington and Eugene E. Graham were by me first duly sworn according to law to testify to the truth, the whole truth and nothing but the truth, relating to said cause; that their depositions were reduced to writing by me personally, a disinterested person, in my presence and under my direction; that William S. Baugh, treasurer
313 of Tippecanoe county, State of Indiana, the adverse party herein, did not attend *by* in person or by his or their attorney, the taking of said depositions; said depositions were taken at the office of Keatinge, Walrade and Miller, Exchange court, 52 Broadway, Manhattan borough, New York city, in the county of New York and State of New York, on the 25th day of August, 1899, *and G. W. H.*, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day, fourth day of the first hearing, and on the days to which herein was adjourned.

In testimony whereof, I have hereunto set my hand and official seal, this 25th day of August, A. D. 1899.

GEORGE WILLIAM HART, [SEAL.]
Notary Public, County of New York.

(10 cents revenue stamp, dated Aug. 30, '99. G. W. H.)

STATE OF NEW YORK, County of New York, } ss:

I, William Sohmer, clerk of the county of New York, and also clerk of the supreme court for the said county, the same being a court of record, do hereby certify, that Geo. Wm. Hart before whom the annexed deposition was taken, was, at the time of taking the same, a notary public of New York, dwelling in said county, duly appointed and sworn, and authorized to administer oaths to

(Revenue stamp, 10 cents, dated Aug. 30, 1899. W. S.)

be used in any court in said State, and for general purposes;
314 that I am well acquainted with the handwriting of said notary, that his signature thereunto is genuine, as I verily believe.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court and county the 30th day of Aug. 1899.

WM. SOHMER, Clerk.

Writing depositions at 10 cents per 100 words (Acts of 1875, page 45)	$3.00
Swearing witnesses, 10 cents each	.30
Certifying depositions	1.50
Clerk's certificates, 50 cents each	.50
Postage	.25
	$5.55

Witness' Fees.

75 cents per day and 5 cents per mile travelling fees.

David Barnett	$1.05
Elisha M. Billington	2.35
Eugene E. Graham	3.50
	$5.90
Total cost of taking depositions	$12.45

Received of Archibald A. McGlashan the sum of $ five 55/100 in full of my fees as above specified, and also $— in full of constable fees. The witnesses were paid their fees by, Archibald A. McGlashan.

GEO. WM. HART.

315 EXHIBIT No. 8.

THE STATE OF INDIANA, } ss:
Warren County, }

In the —— Court, —— Term, 1—.

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Indiana, }
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. }

The plaintiff will take notice that on Thursday the 14th day of September, A. D. 1899, the defendant above named will take the depositions of Sylvester E. Donovan witnesses, to be used as evidence on the trial of the above cause, at the office of Homer W. Hervey, Masonic building, New Bedford in the county of Bristol in the State

of Massachusetts, between the hours of 8 o'clock a. m. and 6 o'clock p. m. and the taking of the same will be adhourned from day to day, between the same hours, until they are completed.

LANGDON & COFFROTH,
Att'y- for Defendant.

Service of the above notice is acknowledged, dedimus and proof of the official character of the officer before whom the said depositions may be taken, is by agreement waived; also all exceptions in regard to time.

Done this 6th day of September, 1899.

HANLY & WOOD,
Att'y- for Plaintiff.

316 Caption.

Deposition of sundry witness- taken before me, Eliot D. Stetson, a notary public within and for the county of Bristol, in the State of Massachusetts, pursuant to the annexed notice and at the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending, in which William S. Baugh, treasurer of Tippecanoe county, Indiana, is plaintiff, and James Buck, trustee under the will of Job M. Nash, is defendant, — being present on behalf of the plaintiff and Homer W. Hervey, Esq., being present on behalf of defendant.

SYLVESTER E. *Dmoran* of lawful age, being by me first duly sworn deposes and saith as follows:

1. Question by HOMER W. HERVEY, Esq., on behalf of the defendant: State your name, age, residence and occupation.

A. My name is Sylvester E. Donovan, my age is 28 years, residence in New Bedford, Mass. at 12 Wing street, and I am a physician.

Q. 2. Where did you reside in the year 1892?

A. No. 140 West 28th street, New York city, in the State of New York.

Q. 3. Did you hold any official position in the year 1892?

A. I did.

Q. 4. What was it?

A. I was inspector of election in the sixth election district of the eleventh assembly district of the city of New York in the State of New York.

Q. 5. As such inspector what, if anything, did you do in the execution of the duties of your office?

A. On certain days preceding election day I attended at
317 the polling place in the district of which I was an inspector, the place where voters cast their votes and questioned those who presented themselves, to have themselves register- as voters in

that election district, such applications for registration were sworn and then questioned in reference to their residence, name, age nativity and other facts, tending their qualifications to be registered and to show that they were entitled to vote in the election district, and also if they were entitled to vote, I recorded the fact in a register or book made for that purpose and furnished by the public authorities. I performed all of these acts and as a part of the duties of my said office.

Q. 6. Were you acquainted with Job M. Nash, if you were, where did you become acquainted with him?

A. I was, I became acquainted with him in the city of New York in the year 1892.

Q. 7. State, if you know, whether Job M. Nash made any application to be registered as a voter in your district?

A. Yes, he did in the year 1892.

Q. 8. What was said and done on that occasion, if you know?

A. It was in October, 1892, at the polling place in the said sixth election district, of the eleventh assembly district, of the city of New York in the State of New York, that Job M. Nash presented himself for registration as a voter, he was sworn and questioned as to his name, age, place of residence, and how long he lived in the said sixth election district of which I was an inspector; to all of which inquiries he made answer — entered his said answers on the aforesaid register. I can't just tell the language of his answers, but the substance was that his name was Job M. Nash, that he resided at the Park Avenue hotel in said city of New York, and had been
318 a resident for at least one year.

Q. 9. Did Job M. Nash vote in your district, the sixth election district of the eleventh assembly district of the city of New York in the State of New York, in 1892.

A. He did.

Q. 10. When and where was it?

A. He voted at the Presidential election in November 1892, on the 8th day of the month, I think, at the polls on the corner of Fourth avenue and 34th street in the sixth election district of the eleventh assembly district of the city of New York in the State of New York.

Q. 11. State what you know about the matter.

A. I was then and there present and was chairman of the board of inspectors on duty, Job M. Nash presented his ballot to me as such chairman and I received it and deposited it in the ballot box then and there used, acting and doing as I did was in the discharge of my official duties. My attention was especially directed to his voting, owing to the fact that he had some trouble with his eyes and could not properly fold his ballot and it was necessary, and I did, make him fold them over several times.

SYLVESTER E. DONOVAN.

THE STATE OF MASSACHUSETTS, County of Bristol, } ss:

I, Eliot D. Stetson, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Sylvester E. Donovan was by me first duly sworn according to law to testify to the truth, the whole truth, and nothing but the truth relating to said cause; that this
319 deposition was reduced to writing by me, a disinterested person, in my presence under my direction, that the said William S. Baugh treasurer of Tippecanoe county, Indiana, adverse party herein, did not attend by his or their attorney, the taking of said deposition; and said deposition was taken at the office of Homer W. Hervey, Esq., Masonic building, New Bedford in the county of Bristol, and State of Massachusetts, on the 4th day of September, 1899, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day.

[SEAL.] In testimony whereof, I have hereunto set my hand and seal, this 14th day of September A. D. 1899.

Revenue stamp 10 cents.

ELIOT D. STETSON,
Notary Public.

9 E. D. M.
14

"EXHIBIT No. 9."

STATE OF INDIANA, Warren County, } ss:

In the Circuit Court, —— Term, 1899.

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased, Defendant.

The plaintiff will take notice that on Friday, the 8th day of September, A. D. 1899, the defendant above named will take the
320 deposition of John E. Franks, witness, to be used as evidence on the trial of the above cause, at the Savannah hospital, Hall and Abercorn streets, Savannah, Chatham county, Georgia, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day, and that the taking of the same will be adjourned from day to day, between the same hours until they are completed.

LANGDON & COFFORTH,
Attorneys for Defendant.

Service of the above notice is acknowledged, dedimus and proof of the official character of the officer before whom the said depositions may be taken is by agreement waived; and also all exceptions in regard to time.

Done this 5th day of September, 1899.

HANLY & WOOD,
Attorney- for Plaintiff.

Caption.

Deposition of sundry witness- taken before me, George H. Richter, a notary public within and for the county of Chatham, in the State of Georgia, pursuant to the annexed commission and notice and at the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending in the circuit court of Warren county, Indiana, in which William S. Baugh, treasurer of Tippecanoe county, Indiana, is plaintiff, and James Buck, trustee under the will of Job M. Nash, deceased, is defendant, no one being present on behalf of plaintiff and Mr. J. R. Saussy, Jr., on behalf of defendant.

JOHN E. FRANKS, of lawful age, being by me first duly sworn he deposes and saith as follows:

321 1. Question by Mr. SAUSSY: What is your name, age, residence and business?

Ans. My name is John E. Franks, I am 43 years old, reside in Savannah, Ga., and am travelling agent for the Pennsylvania Steel Co.

2. Question by Mr. SAUSSY: Were you acquainted with Job M. Nash?

Ans. Yes.

3. Question by Mr. SAUSSY: When and where did you first become acquainted with him?

Ans. I first met Mr. Nash at the office of W. A. Weed, 40 Broadway, in the City of New York, in 1889 or 1890.

4. Question by Mr. SAUSSY: Where did you reside in 1892?

Ans. In New York city.

5. Question by Mr. SAUSSY: And how long did you have that as your residence?

Ans. I had lived there about five or six years before that, and left there in 1896.

6. Question by Mr. SAUSSY: How long were you acquainted with Mr. Job M. Nash?

Ans. I must have known him for three or four years before his death.

7. Question by Mr. SAUSSY: What, if any, public office did you hold in 1892?

Ans. In 1892 I was ballot clerk at a national and State election in New York city, which was held early in November, 1892.

8. Question by Mr. SAUSSY: What were the duties of your office as ballot clerk?

Ans. The duty of a ballot clerk was to give ballots to the
322 voters as they came in, and instruct them how to fold the ballot before depositing it.

9. Question by Mr. SAUSSY: State whether or not Job M. Nash voted in 1892.

Ans. Yes, I remember him voting.

10. Question by Mr. SAUSSY: When and where was it, and how do you know about that fact?

Ans. I was at the polling place at Fourth avenne, and 34th street in the city of New York. The reason I remember it so thoroughly is that the old man could not see very well, and I had some trouble in showing him to fold his ballot. He was sent back several times before voting because his ballot was not folded properly.

11. Question by Mr. SAUSSY: You are quite satisfied that the person you refer to was Job M. Nash?

Ans. O, Yes.

12. Question by Mr. SAUSSY: And, as I understand you, you had known him prior to that time?

Ans. Yes.

13. Question by Mr. SAUSSY: During your acquaintance with him, where did Mr. Nash live?

Ans. He resided at the Park Avenue hotel, in the city of New York.

At this point a recess was taken until 8.45 a. m., September 9th, 1899, in order to allow the notary an opportunity for transcribing the testimony, which was reported stenographically, and that the witness might be able to sign the name; the adjournment to meet at the same place.

SATURDAY, September 9th, 1899.

Pursuant to adjournment, present: the notary, the witness and the attorney hereinbefore named, and the depositions having
323 been read over to the witness, are now signed by him as correct.

J. E. FRANKS.

STATE OF GEORGIA, }
County of Chatham, } *ss*:

I, Geo. H. Richter, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named John E. Franks by me first duly sworn according to law to testify to the truth, the whole truth, and nothing but the truth, relating to said cause; that his deposition was reduced to writing by me, a disinterested person in my presence and under my direction; that the said plaintiff, to-wit, William S. Baugh, treasurer of Tippecanoe county, Indiana, adverse party

herein, did not attend by —, his or their attorney, the taking of said deposition; and said deposition was taken at Savannah, Ga., in the county of Chatham and State of Georgia, on the 8th day of September 1899, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day, and adjourned to and verified on September 9, 1899, at 8.45 a. m.

In testimony whereof, I have here unto set my hand and official seal, this 9th day of September A. D. 1899.

GEO. H. RICHTER,
[SEAL.] Not. Pub. Chatham Co. Ga.

Cost Bill.

Writing deposition at 10 cents per 100 words (Acts of 1875, page 45)		$1.00
Swearing witnesses, 10 cents each		.10
Certifying depositions, 50 cents each		.50
Postage		.14
324	Witness fees, 75 cents per day and 5 cents per mile travelling fees, John E. Franks	.75
Total costs of taking depositions		2.49

Received of Saussy & Saussy, att'ys for defendant, the sum of $1.74 in full of my fees as above specified and also $— in full of constable's fees. The witnesses were paid their fees by Saussy & Saussy, att'ys for defendant.

GEO. H. RICHTER,
Not. Pub., Chatham Co., Ga.

"EXHIBIT No. 10."

STATE OF INDIANA, Warren County, } ss:

In the Warren Circuit Court.

WILLIAM S. BAUGH, Treas.,
vs.
JAMES BUCK, Trustee Under the Will of Job M. Nash, Deceased.

Deposition of Henry L. Bailey, Taken on Defendant's Behalf.

Deposition of Henry L. Bailey, taken before me, Russell King, a notary public within and for the county of Marion in the State of Indiana, pursuant to the annexed notice and at the time and place therein specified, to be read in evidence on behalf of the defendant in an action pending in the Warren circuit court, in which William S. Baugh, treasurer, is plaintiff, and James Buck, trustee under the will of Job M. Nash, deceased, is defendant,
325 Hon. B. W. Langdon being present on behalf of the defendant and Hon. Will R. Wood on behalf of plaintiff.

HENRY L. BAILEY, of lawful age, being by me first duly sworn according to law, to testify to the truth, the whole truth and nothing but the truth deposes and saith as follows:

Direct examination by Hon. B. W. LANGDON:

1 Q. You may state your name, age, residence and business.
A. My name is Henry L. Bailey, I live at Indianapolis. I am a hotel clerk.
2 Q. Age?
A. Thirty-nine years old.
3 Q. What hotel?
A. Dennison hotel.
4 Q. Did you ever reside or live in the city of Lafayette, Indiana.
A. Yes, sir.
5 Q. When were you a resident of Lafayette?
A. From 1876 to 1895.
6 Q. What, if any, business were you engaged in while you were living at Lafayette?
A. I was hotel clerk in the Lahr house twelve years and seven years in the St. Nicholas.
7 Q. What twelve years,—when did your term of business commerce in the Lahr house and when did it end?
A. From 1883 until 1895.
8 Q. In what capacity were you engaged?
A. As clerk.

9 Q. Were you acquainted with Job M. Nash?

A. Yes, sir.

10 Q. When did you first become acquainted with him and how long did your acquaintance with him continue?

326 A. I don't know how long or when it first began; I guess right after I went there. I don't know just how nor the time I first went there.

11 Q. Until how long?

A. Until his death. Before his death—the last trip he was there.

12 Q. You may state whether or not Mr. Nash boarded or stopped at the Lahr house while you were clerk of it.

A. Yes sir.

13 Q. During what part of the time that you were clerk of the house?

A. During what part?

14 Q. Yes; what years?

A. Well, I was there from 1883 to 1895. I don't just know exactly what time he was there; once or twice a year as a rule; may have been more for all I know. I know of once or twice a year because he was up there in the spring and then in the fall.

15 Q. How long would he stop, or did he stop?

A. Well, I guess sometimes it was three or four days or a week. Sometimes two or three weeks.

16 Q. Did you keep a register—was there a register of the guests in that hotel during all the time you were there?

A. Yes sir.

17 Q. You may state whether or not you ever saw him register.

A. Yes, sir, he registered under me many a time.

18 Q. In that hotel?

A. Yes sir.

19 Q. You may state, if you know, what has become of the registers of that hotel?

A. I burned some of them and I sold some of them for old rags, old paper,—paper mill.

327 20 Q. What books do you speak of?

A. Registers.

21 Q. Over what space of time did these registers extend that you say that you sold or burned up?

A. I don't know; a way back. The first batch I sold was about a ton, and the next was when Mr. Van Ormond,—fifteen or sixteen hundred pounds.

22 Q. Well, you may state as to the fact whether these registers — were sold or burned up covered the time, all of the time, that you were clerk or only a portion of it?

A. O, there was some before I was clerk.

23 Q. And as to the time that you were clerk; did they cover any of that time?

A. Yes sir.

24 Q. How much of it?

A. All of the time that I was there.

25 Q. By whose authority or direction did you sell or destroy these books,—burned them up—these registers?

A. The ones I sold was under the orders of Mr. Weakly Mertz and those I burned were under Mr. Van Ormond's orders.

26 Q. You may state, if you know, why they ordered you to burn them up or destroy them?

A. Well, those that I destroyed, Mr. Van Ormond said they were not enough to sell, burn them up and get them out of the way; and those that I sold, Mr. Mertz or Mr. Weakly said, Well we might as well,——

Mr. Wood (interrupting): Wait a minute. We object to the answer of the witness because it is hearsay.

27 Q. When was it that you sold these registers and when was it that you burned them up?

A. I don't remember just exactly. I burned some of them
328 in the summer of 1894, I think. It must have been the summer of 1894. It was the year Mr. Van Ormond had the house. Those that I sold, I can't remember whether it was in 1887, 1888, or 1886; along in there somewhere.

28 Q. You say that Mr. Nash stopped at that hotel?

A. Yes sir.

29 Q. Lahr house?

A. Yes sir.

30 Q. And if I understand you correctly, you saw him register?

A. Yes sir.

31 Q. Was that frequently or otherwise?

A. Nearly every time he came in.

32 Q. You may state now if you ca-, how he registered?

A. What do you mean?

33 Q. What did he write on the register, if he wrote anything?

A. Wrote his name and residence?

34 Q. What was it?

A. I think it was New York; I am quite positive it was New York.

35 Q. Were you acquainted with Mrs. Nash, his wife?

A. I saw her only once, although I think she was there twice, but I think I only saw her once.

36 Q. You know her?

A. Well, I didn't know her until I was told who she was.

37 Q. Did you notice his registration, if he made one at that time?

A. Yes sir.

38 Q. How did he register at that time; when his wife was with him?

A. Registered "and wife," J. M. Nash and wife.

329 39 Q. And what else, if anything?

A. From New York.

40 Q. Did you ever hear him say anything about his home or his residence?

Mr. WOOD: We object to that because it calls for a self-serving declaration.

41 Q. You may answer.

A. No sir.

42 Q. Did you ever hear him in any conversation he had with others as to where he resided or had his home?

Mr. WOOD: We make the same objection as to the former question.

A. Well, I don't hardly understand what yon mean; whether I have heard him say when he was talking with anybody else whether he was living in New York?

43 Q. Yes.

A. The only thing I can remember was during the campaign. I was talking with Mr. Wood this morning about it.

44 Q. Go on and state what you heard there.

A. They were talking with the old man and had him quite warmed up on politics, and Mr. Buck seemed to want to take him away and go some where and he said: "Come on Nash, you can't vote here any way," and the old man said, I can talk and I can vote home," and that is the end of the conversation.

45 Q. What did he say, if anything, about going home to vote?

A. I don't remember, he said he could go home.

46 Q. When was that, do you recollect?

A. I don't remember.

47 Q. What election was it?

330 A. I think it was the first time that Mr. Cleveland ran.

48 Q. Run for President?

A. Yes sir.

49 Q. What, if anything, did he say to you with reference to his condition or where he had come from, if he said anything, when he would come to register or had registered?

50 Q. When he came in?

Mr. WOOD: We make the same objection to that question.

51 Q. Yes?

A. Well, he would come in like an old bear,—very cross,—and register, and say, "Send me up to my room. I am dirty and want to get cleaned up."

52 Q. What did he say with reference to where he had come from, if anything?

A. Sometimes,—only once—I wouldn't say but once, he stated, "I have just come from home." Didn't say whereabouts, said from home.

Cross-examination.

Questions by Hon. WILL R. WOOD:

53 Q. You don't know how many different places — had that he called home, do you?

A. No.

54 Q. I believe you stated that you thought that when he registered, that he registered from New York?

A. Yes, sir.

55 Q. You are positive about that, are you?

A. I couldn't say for sure, but I am almost positive, Mr. Wood.

56 Q. You can't say for sure that he always registered from
331 the same place?

A. No, that is too long ago.

57 Q. You never had any conversation with him about his business or business affairs?

A. No.

58 Q. You were not a confident of his?

A. No, sir.

59 Q. And you didn't know where his home really was, or whether he had any?

A. No, sir.

60 Q. Did you ever hear him make any declaration in his fits of madness that if we didn't change the damn laws of the State to suit him, that he would go and change his residence or go where they did suit him?

A. No, sir; never heard him.

Mr. WOOD: That is all, I think Mr. Bailey.

And further the witness saith not.

HENRY L. BAILEY.

STATE OF INDIANA, }
County of Marion, } *ss:*

I, Russell King, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Henry L. Bailey, was by me first duly sworn according to law to testify the truth, the whole truth, and nothing but the truth relating to said cause; that his deposition was reduced to writing by me, a disinterested person; that the defendant herein attended by Hon. B. W. Langdon and the plaintiff attended the taking of said deposition by Hon. Will R. Wood; that said deposition
was taken at the office of A. C. Harris, in the city of Indian-
332 apolis, Fletcher's Bank building, in the county of Marion, and State of Indiana, on the 23rd day of December 1898, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day, and pursuant to the notice hereunto annexed.

In testimony whereof, I have hereunto set my hand and official seal, this 23rd day of December, A. D. 1898.

RUSSELL KING,
Notary Public.

[SEAL.]

(Internal revenue stamp 10 cts. Cancelled 12, '23, '98. R. K.)

STATE OF INDIANA, } ss:
Warren County, }

In the Warren Circuit Court, March Term, 1899.

WILLIAM S. BAUGH, Treas., Plaintiff,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased, Defendant.

The plaintiff will take notice that on Friday, the 23rd day of December A. D. 1898, the defendant above named will take the depositions of Henry L. Bailey, witness, to be used as evidence on the trial of the above cause, at the office of A. C. Harris in the city of Indianapolis, Indiana, on Washington street, Fletcher Bank building, in the county of Marion in the State of Indiana, be-
333 tween the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day, and that the taking of the same will be adjourned from day to day between the same hours, until they are completed.

LANGDON & COFFROTH,
Att'ys for Defendant.

Service of the above notice is acknowledged, dedimus and proof of official character of the officer before whom the said deposition may be taken is by agreement waived; also all exceptions in regard to time.

Done this 19th day of December, 1898.

JOHN. W. LA RUE,
One of Attorneys for Plaintiff.

Cost Bill.

Writing depositions at 10 cents per 100 words..... $4.25

$4.25

Received of James Buck, trustee, etc., the sum of $4.25 in full of my fees as above specified, and also $— in full of constable fees. The witnesses were paid their fees by ——

RUSSELL KING.

"EXHIBIT No. 11."

STATE OF INDIANA, } ss:
Warren County, }

In the Warren Circuit Court, October Term, 1898.

WILLIAM S. BAUGH, Treasurer, Tippecanoe County, Indiana,
vs.
334 JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased.

The plaintiff will take notice that on Wednesday, the 7th day of September, A. D. 1898, the defendant above named will take the deposition of Mary E. Eagleton, Helen L. Phillips, Jacob Smith, Jr., Joseph Kelley, William A. Weed, William J. Lahey, Archibald A. McGlashan, Jacob Lay, witnesses to be used as evidence on the trial of the above cause, at the office of Keatinge, Walradt & Miller, Exchange court, 52 Broadway, Manhattan borough, New York city, in the State of New York, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said day and that the taking of the same will be adjourned from day to day between the same hours, until they are completed.

LANGDON & COFFROTH,
Attorneys for Defendant.

Service of the above notice is acknowledged, dedimus and proof of the official character of the officer before whom the said depositions may be taken is by agreement waived; also all exceptions in regard to time.

Done this 2nd day of September, 1898.

JOHN M. LORNE,
HANLY, WOOD & SIMS,
Attorneys for Plaintiff.

Caption.

Deposition of sundry witnesses taken before me, Charles S. Whitman, a notary public within and for the county of New York, in the State of New York, pursuant to the annexed notice and at
335 the time and place therein specified, to be read in evidence and on behalf of the defendant in an action pending in the Warren circuit court, State of Indiana, in which William S. Baugh, treasurer of Tippecanoe county, Indiana, is plaintiff, and James Buck, trustee under the will of Job M. Nash, deceased, defendant, no one being present on behalf of plaintiff, and Byron W. Langdon appearing on behalf of defendant.

MARY E. EAGLETON of lawful age, being by me first duly sworn, deposes and saith as follows:

1 Q. State your name, age and residence.
A. Mary E. Eagleton, 53 years old, Newark, New Jersey.
2 Q. Are you acquainted with Job M. Nash?
A. I was.
3 Q. How long were you acquainted with him?
A. Since I was ten years old.
4 Q. What if any relation was Job M. Nash to you?
A. He was my second cousin and married my sister.
5 Q. When were they married?
A. In 1863.
6 Q. Where?
A. They were married in the city and State of New York.
7 Q. Where did Mr. Nash and his wife live during the time they were married, if you know?
A. In New York city, New York.
8 Q. Where were you living at the time of their marriage and where did you reside subsequently and up to July 1893?
A. At the time of their marriage I was living in my father's
336 family, or at home in the city of New York, and I continued to reside in the city of New York until 1872, when I removed with my husband to the State of Massachusetts, where we remained for three years, and then we returned to the city of New York and continued to reside there until the spring of 1893.
9 Q. You may state if you know where Job M. Nash resided or lived from the time of his marriage until the time of his death?
A. He resided with his wife in the city of New York, New York during all of his married life, and lived in no other place unless it was when he was temporarily away from New York city on account of the health of himself or wife, or on account of business; that whenever he or he and his wife left the city of New York they returned to the city. Their home during all of that time was in New York city and in no other place.

10 Q. You may state if you visited Mr. Nash's family, and if you did you may state through what period of time and how frequently?

A. Being relative of mine and they residing in the same city that I did, I visited Mr. and Mrs. Nash or their home in the city of New York as frequently as twice, and some times three times each week, throughout the period of their married life, saving the time that I visited in the State of Massachusetts as I have before stated.

11 Q. State whether Mr. or Mrs. Nash occupied a private residence for their home.

A. No, sir.

12 Q. Where did they live or reside?

A. First they resided in the family of my father, when my sister Mrs. Nash was confined with her first child, Ada D. Nash, and afterwards they occupied apartments in a hotel in the city of New
337 York. My father was a merchant and resident of city of New York where his family were born and reared.

13 Q. What if anything did you notice, if you did, in respect to the appearance of their apartments in the hotel?

A. I noticed and it was always the case, that their apartments were furnished in part with their own furniture, and adorned with their pictures, with oil paintings, bric-a-brac and other things which gave their apartments of a look like a home than other rooms or apartments in the hotel occupied and used by transient guests.

14 Q. Were you ever present when Mr. and Mrs. Nash were preparing to leave the city of New York, as you have said they did?

A. Yes, very frequently; I was present on such occasions.

15 Q. What did you observe that they did or that they said on such occasions, if they did or said anything?

A. Invariably on such occasions when I was present such of their furniture or things in their apartments which they did not take with them was packed up and marked with their names New York city and stored in the house where they were living for convenience and safe keeping until they returned to New York.

16 Q. You may state if you were present on any of the occasions when they returned to New York?

A. Yes, very many times and was present in their apartments with them upon their return, when their furniture and things that were packed away as I have stated, were brought back and appropriately disposed about their apartments, and this occurred whenever
338 they left the city to be absent for a month or so, and this occurred as often as once a year, but whenever they left the city to be gone but for a short time, say for a few days or a week or so, the rooms were simply locked up with everything left in them, when nothing was removed or stored away.

17 Q. State if you ever heard Mr. Nash say anything about his home or place of residence or for a place to live in?

A. Yes. I have heard him speak about these matters many times during his married life, and I recall the fact that he said,—but I can't recall the exact time,—yet I know it was during the lifetime

of his daughter Ada, that he would like to buy a residence in New York city and would do so if his wife was able to take charge and be at the head of the house, so that they would have a private home; but she was not strong enough to do so and she did not wish to undertake it, she said many times she liked New York city as a place of residence.

MARY E. EAGLETON.

HELEN L. PHILLIPS, of lawful age, being by me first duly sworn deposes and saith as follows:

1 Q. State your name, age and residence.

A. Helen L. Phillips, fifty one years, Newark New Jersey.

2 Q. Were you acquainted with Job M. Nash, and if so when did you first become acquainted with him?

A. I was acquainted with Job M. Nash and I first became acquainted with him at my father's house in New York city when I was a child six or seven years old.

3 Q. What relation if any was Job M. Nash to you?

339 A. He was my brother-in-law and second cousin.

4 Q. What was the character of your acquaintance with Mr. Nash and through what period did it extend?

A. I knew Mr. Nash well and familiarly from the time I became acquainted with him until the time of his death.

5 Q. Where did he live, if you know, during the time of your acquaintance with him?

A. I know that he always lived and had his home in the city of New York, New York, from the time of his marriage with my sister, which was in 1863 until his death in July, 1893; and that he had no other place of residence or abode; that whenever he was absent from the city of New York it was only temporary and he always returned to New York city.

6 Q. Where were you born?

A. In New York city, New York.

7 Q. How long did you live in the city of New York?

A. I never lived or resided in any other place than New York city until after the spring of 1893.

8 Q. You may state if you visited Job M. Nash or his family?

A. Yes, I visited them very frequently, and I still saw Mr. and Mrs. Nash more frequently than that. I used to call on or visit them two or three times and sometimes oftener each week during the time he was married to my sister, and when they were not out of the city on some temporary occasion or business; besides I saw them two or three times a week that they visited my father's home up to the time of his death up to 1885.

9 Q. Did you ever hear him say anything in reference to the place where he lived?

340 A. Oh, yes, I have heard him speak about the matter in the course of my acquaintance with him, but I can't point to

the different occasions or the exact language he used, but he called the place where he and his wife were living his home or their home. However, I do recollect now that some time in the year of 1873 a relative of mine and of his wife was to be married in New York city, and shortly before the time fixed for their marriage Mr. Nash wished to go away from the city on a matter of business, and he told me that he wanted to return home to New York city in time to be present at the wedding reception, and he returned in time, but was unable to attend the reception on account of sickness.

HELEN L. PHILLIPS.

Further taking of these depositions is hereby adjourned until tomorrow September 8th, to be resumed at the same place and between the same hours as specified in the notice.

CHARLES S. WHITMAN,
Notary Public, New York County.

The further taking of these depositions was resumed this 8th day of September, 1898, at place and between the hours mentioned in the notice attached to these depositions.

WILLIAM A. WEED, of lawful age, being by me duly sworn deposes and saith as follows:

1 Q. State your name, age, residence and business.

A. William A. Weed; age fifty years, Grenoble hotel, city of New York; occupation, treasurer of the New York Silicite Company, #40 Broadway, New York, city, New York.

341

2 Q. Were you acquainted with Job M. Nash, and if you were how long were you acquainted with him?

A. Yes, sir; I was acquainted with him; my acquaintance with him extended during the year 1886 and continued up to the time of his death in July, 1893.

3 Q. Where did Mr. Nash live during the time that you were acquainted with him?

A. Mr. Nash and his wife lived in the city of New York during the whole time that I was acquainted with him, where they had their home.

4 Q. How intimately were you acquainted with him?

A. My home and that of Mr. Nash's were both in the same hotel in the city of New York, and I was very well acquainted with him and saw and conversed with him almost daily during the period of my acquaintance with him.

5 Q. State whether or not Mr. Job M. Nash ever voted in the city of New York, if you know.

A. Yes, sir; he did, and I know it of my own personal knowledge that he voted at State and one Presidential elections in the years 1886, 1887 and 1888 while in the city of New York, New York.

WILLIAM A. WEED.

JOSEPH KELLEY, of lawful age, being by me first duly sworn, deposes and says as follows:

1 Q. State your name, age and residence.

A. Joseph Kelley, age forty years, 321 Webster Ave., Jersey City, New Jersey; place of business #52 Broadway, New York
342 city.

2 Q. Have you recently examined any of the registers of voters in New York city, State of New York?

A. I have.

3 Q. You may state whether or not you did anything else in respect to these registers.

A. I did.

4 Q. *Where* was it?

A. I copied them.

5 Q. What register did you copy and to what extent did you make copies of them?

A. I made a full true and complete copy of the public copy of the registers for each of the following years of the following named election districts in New York city, in the State of New York, for the year 1884 of the sixteenth election *election* district of the third assembly district, for the year 1885, of the sixteenth election district of the third assembly district, for the year 1888 of the first election district of the seventh assembly district, and for the year 1892 of the sixth election district of the eleventh assembly district, and I made a full, true and complete copy of the election bureau copy of the registers for the year 1885 of the sixteenth election district of the third assembly district in the city of New York, in the State of New York. I also made a full, true and complete copy of the register kept by each of the inspectors for each of the following years of the following named election districts in the city of New York, in the State of New York, for the year 1884 of the sixteenth election district of the third assembly district for the year 1885 of the sixteenth election district of the third assembly district
343 for the year 1888 *1888* of the first election district of the seventh assembly district for the year 1892 of the sixth election district of the eleventh assembly district.

Further taking of these depositions will be adjourned until tomorrow, September 9th, at the same place and between the same hours as specified in the notice.

CHARLES WHITMAN,
Notary Public, New York County.

The further taking of these depositions was resumed this 9th day of September, 1898, at the place and between the hours mentioned in the notice attached to these depositions.

6 Q. Will you please produce and identify the said copies which you say you have thus made, and make al- of them a part of this

your answer to this question, and attach them to this your deposition.

A. Yes sir, I will; I now produce all of said copies and I have identified each of said copies in the following way: I have written on the said copy of the public copy of the registers for the year 1884 of the sixteenth election district of the third assembly district, these words and figures, "Exhibit A," Joseph Kelley, and I make it a part of this my answer and attach it to this my deposition. I have written on said copy of the public copy of the registers for the year 1885 of election district number sixteen of the third assembly district, these words and figures "Exhibit B," Joseph Keley, and I make it a part of this my answer and attach it to this my deposition. I have written on the said copy of the public copy of the registers of the year 1888 of election district number first of the seventh assembly district, these words and figures, "Ex-
344 hibit C," "Joseph Kelley," and I make it a part of this my answer and attach it to this my deposition. I have written on the said copy of the public copy of the registers for the year 1892 of election district number six of the eleventh assembly district these words and figures, "Exhibit D, Joseph Kelley," and I make it a part of this my answer and attach it to this my deposition. I have written on the said copy of the said election bureau copy of the registers for the year 1885 of election district number sixteen of the third assembly district these words and figures, "Exhibit F, Joseph Kelley," and I make it a part of this my answer and attach it to this my deposition. I have written on the said copy of the said register kept by each of said inspectors for the year 1884 of the sixteenth election district of the third assembly district these words and figures, "Exhibit I, Joseph Kelley," and I make it a part of this my answer and attach it to this my deposition. I have written on the said copy of the said register kept by each of said inspectors for the year 1885 of the election district number sixteen of the third assembly district these words and figures "Exhibit J, Joseph Kelley," and I make it a part of this my answer and attach it to this my deposition. I have written on the said copy of the said register kept by each of the said inspectors for the year 1888 of election district number one of the seventh assembly district these words and figures, "Exhibit K, Joseph Kelley," and I make it a part of this my answer and attach it to this my deposition. I have written on the said copy of the said register kept by each of said inspectors for the year 1892 of election district number sixth of the eleventh assembly district, these words and figures, "Exhibit L,"
345 "Joseph Kelley," and I make it a part of this my answer and attach it to this my deposition.

7 Q. Where and how did you get access to the said public copies of the registers and to the said election bureau copies of the registers and also to the said registers kept by each of the inspectors to examine and make such copies of them as you have said you did.

A. Each and every of the said registers which I examined and copied, as I have stated, and copies of which I have made a part of this my deposition, is and are kept as the general bureau of elections of the city of New York, located at police headquarters in the borough of Manhattan, No. 300 Mulberry St., in the city of New York, in the State of New York, and all of them were and are in the custody and keeping of the superintendent of elections of the city of New York, and the officers and clerks of said bureau of elections of said city of New York where they were produced to me by one of the said clerks upon a request then made for their production.

JOSEPH KELLEY.

JACOB SMITH, JR., of lawful age, being by — first duly sworn, deposes and saith as follows:

1 Q. State your name, age, residence and occupation?

A. Jacob Smith, Jr., age 31 years; No. 93 Clinton Ave., borough of Brooklyn, city of New York; engraver.

2 Q. Have you lately examined any of the registers of voters in the city of New York, in the State of New York?

A. Yes, sir; I have.

3 Q. You may state whether or not you did any thing else in respect to these registers.

346 A. I did.

4 Q. What was it?

A. I made copies of them.

5 Q. What registers did you copy, and to what extent did you make copies of them?

A. I made a full, true and complete copy of the election bureau copy of the register for each of the following years of the following named election districts in the city of New York, in the State of New York, for the year 1884 of the sixteenth election district of the third assembly district—and for the year 1888 of the first election district of the seventh assembly district, for the year 1892 of the sixth election district of the eleventh assembly district.

6 Q. Will you please produce and identify the said copies which you say you have thus made, and make all of them a part of your answer to this question and attach each to this your deposition?

A. Yes, sir; and I now produce all of the said copies and I here identify each of the said copies in the following way:

I have written on the said copy of the election bureau copy of the registers for the year 1884 of the sixteenth election district of the third assembly district these words and figures, "Exhibit E, Jacob Smith, Jr.," and I make it a part of my answer and attach it to this my deposition. I have here written on the said copy of the election bureau copy of the registers for the year 1888 of the first election district of the seventh assembly district, these words and figures, "Exhibit G, Jacob Smith, Jr.," and I make it a part of this my an-

swer and attach it to this my deposition. I have written on
347 the said copy of the election bureau copy of the registers for the year 1892 of the sixth election district of the eleventh assembly district these words and figures, "Exhibit H, Jacob Smith, Jr.," and I make it a part of this my answer and attach it to this my deposition.

7 Q. When and how did you get access to the said election bureau copies of the registers to examine and make such copies of them as you have stated you did?

A. Each and every of the said registers which I examined and copied, as I have stated, and copies of which I have made a part of this my deposition, is and are kept in the general bureau of elections of the city of New York, located at police headquarters in the borough of Manhattan No. 300 Mulberry street in the city of New York, in the State of New York, and all of them were and are in the custody and keeping of the superintendent of elections of the city of New York, and officers and clerks in the said general bureau of elections of the city of New York, where they were produced to me by one of the said clerks upon a request then made for their production.

JACOB SMITH, JR.

STATE OF NEW YORK, }
County of New York, } ss.:

I, Charles S. Whitman, a notary public, in and for the county and State above named, duly commissioned and qualified do hereby certify that the above named Mary E. Eagleton, Helen L. Phillips, Joseph Kelley and Jacob Smith, Jr., and William A. Weed, by me first duly sworn according to law to testify the truth, the whole truth and nothing but the truth relating to said cause: that their
348 depositions were reduced to writing by me a disinterested person; that the said William S. Baugh, treasurer of Tippecanoe county, Indiana, adverse party herein did not attend either in proper person or by his attorney the taking of said depositions; — the Exchange court, 52 Broadway Manhattan borough, New York city, in the county of New York and State of New York, in the seventh, eighth and ninth days of September, 1898, between the hours of 8 o'clock a. m. 6 o'clock p. m. of the same day.

In testimony whereof, I have hereunto set my hand and official seal this ninth day of September A. D. 1898.

CHARLES WHITMAN,
[SEAL.] Notary Public, New York County.

Cost Bill.

Writing depositions at 10 cents per 100 words (Acts of 1875, page 45	$3.50
Issuing subpœna 25c each	—
Swearing witnesses 10 cents each	.50
Certifying depositions, 50 cents each (5)	2.50

Witness Fees.

75 cents per day and 5 cents per mile travelling fees.

Jacob Smith Jr. (2 days)	$1.50
Joseph Kelley (2 days)	1.50
Total cost of taking depositions	$9.50

Received of James Buck, trustee by the hands of B. W. Langdon the sum of $9.50 in full of my fees as above specified and also in full of constable's fees. The witnesses were paid their fees by B. W. Langdon.

349 CHARLES WHITMAN,
Notary Public, New York County, New York City.

Depositions taken on behalf of the defendant in the case of William S. Baugh, treasurer of Tippecanoe county, Indiana, plaintiff, against James Buck, trustee under the will of Job M. Nash, deceased, defendant, pending in the circuit court of Warren county, State of Indiana.

350 Public Copy.

Register of Voters of the Sixteenth Election District of the Third Assembly District of the City of New York, 1884.

The board of inspectors must enter in this register the names of all persons registered on each registration day, and have it suspended in the polling place between each registration day and up to the day of the election. On election day the chairman shall take charge of the same and file it and his own copy in the office of the chief of the bureau of elections within twenty-four hours after the completion of the canvass of voters, in compliance with sections 1861 and 1864 of 410 of the Laws of 1882, cited as the New York City consolidation act.

SECTION 1861. The inspectors of election in each election district shall, on each day of any general registration day, before adjourning enter into each of two books prepared for that purpose, one of which shall be known as the "Public copy" of the registers, and the other of which shall be known as the "Election bureau copy" of the registers, all such names and residences, and all such data, information and statements, as during the day has been entered by the inspector of election in the registers provided for this chapter.

SECTION 1864. The "Public copy" of the registers they shall, at the close of their proceedings on each day of any general registration, and upon the determination of their proceedings on the last day of any revision of registration, leave suspended in the place

where such registration or revision of registration was conducted, where it shall be and remain until the next meeting of the
351 said inspectors, whether such meeting be for the purpose of registration, revision of registration, or election, to the end that the same may be inspected and copied by any elector in said city and county. But on the day of any election the said inspectors shall take possession of said "Public copy" and the chairman shall closely retain the same throughout the said day, returning it to the chief of the bureau of elections, as provided in this chapter for the return of the register kept by him, and with said register; and said copy shall be by said chief of the bureau of elections retained and preserved and filed in said bureau.

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354 Register of Voters of the Sixteenth Election District of the Third Assembly District of the City of New York, 1884.

Register of Voters.

Residence 518 Broadway; room No. — 3d floor; address Van Bussem, Phillip, sworn, yes; nativity N. J.; color, W.; term of residence election district two years; assembly district, two years; county, five years; State, five years; naturalized, native; date of papers —; court —; qualified voters, yes; date of application, October the 7th; why disqualified, —; date of erasing name —; voted November, yes; challenge —; remarks —.

Residence —, room No. —3d floor; address, Larose Andrew; sworn, yes; nativity, Canada; color, W.; term of residence, election district four years; assembly district four years; county five years; State, five years; naturalized, yes; date of papers, October 7th, 1880; court, superior; qualified voter, yes; date of application, October the 15th; why disqualified —; date of erasing name —; voted November, yes; challenged —; remarks, —.

Residence, 584 Broadway; room No. —, top floor; Henry Williams; sworn, yes; nativity, N. Y.; color, C.; term of residence, election district 80 years; assembly district 8 years; county, eight years, and State eight years; naturalized, native; date of papers —; court —; qualified voters, yes; date of application, October 7th;
355 why disqualified —; date of erasing name —; voted November, yes; challenged —; remarks —.

Residence 584 Broadway; room No. 393; address Comfort, Samuel; sworn, yes; nativity, Penn.; color, W. term of residence, election district four mo., assembly district one year, county one year, State one year; naturalized, native; date of papers — court, —; qualified voter, yes; date of application October 7th; why disqualified —; date of erasing name, —; voted November, yes; challenged —; remarks —.

Residence 584 Broadway, room No. 554; address Nolan James; sworn, yes; native, Penn. color, W.; term of residence, election district seven years; assembly district seven years, county seven years; State seven years; naturalized, native; date of papers —; court —; qualified voter, yes; date of application October 15th; why disqualified —; date of erasing name —; voted November, yes; challenged, —, remarks —.

Residence 584 Broadway room 585; aaddress Golden, Timothy; sworn, yes; nativity, Ireland; color, W. term of residence, election district, one year, assembly district, one year; county thirty-five years; and State thirty-five years; naturalized, yes; date of papers July 10, 1854; court, superior; qualified voter, yes; date of application October 15th; why disqualified —; date of erasing name —; voted November, yes; challenged —; remarks —.

Residence, 584 Broadway, room 536; address Mignaut, Eusebe;

sworn, yes; nativity, V. I.; color W; term residence, election
356 district, two months, assembly district, 2 months; county twenty-five years; State, twenty-five years; naturalized, native; qualified voter, yes; date of application, October 15th; why disqualified —; date of erasing name —; voted November, yes; challenged —; remarks —.

Residence —; room No. 559; address Shea, Mortimer F.; sworn, yes; nativity, R. I.; color W. term of residence, election district five years assembly district five years, county ten years, State ten years; naturalized, native; date of papers —; court —; qualified voter, yes; date of application October the 15th; why disqualified —; date of erasing name —; voted November, yes; challenged —; remarks, —.

Residence, —; room No. 558; sworn, yes nativity, N. Y.; color, W; term of residence election district 1, yes; assembly district 1 year, county 1 year, State 1 year; naturalized; native; date of papers —; court —; qualified voter, yes; date of application October 15th; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks —.

Residence —; room 569; address Simpson, Frank J.; sworn, yes; nativity, N. Y. color, W.; term of residence, election district three years, assembly district three years; county twenty-eight years, State 28 yrs; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application October 15th; why dis-
disqualified —; date of erasing name —; voted November,
357 yes; challenged —; remarks —.

Residence, — room No. 558; address Rensem, William; sworn, yes; nativity, N. Y.; color W.; terms of residence, election district one month, assembly district, 1 month, county twenty-six years; State twenty-six years; naturalized, native; date of papers, —; court —; qualified voter, yes, date of application, October 15th, why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks —.

Residence — room No. 581; address, Dunne, James; sworn, yes, nativity, N. J., color, W.; term of residence, election district eight years, assembly district eight years, county forty years; State forty years; naturalized, yes; date of papers, March 31, 1862; court, c. pleas,; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence —, room No. 582; address Wood, Arthur R.; sworn, yes, nativity, N. Y.; color W. term of residence, election district two years; assembly district, two years; county eighteen years, State eighteen years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name —; voted November, yes; challenged —; remarks —.

Residence, —, room No. 365; address O'Sullivan, Sylvester J.; sworn, yes; nativity, Canada, color, W.; term of residence, election

district one month assembly district one month, county nine-
358 teen years, State nineteen years; naturalized, yes; date of papers, Jan. 3, 1874; court, Rensselaer County court, Troy; qualified voter, yes: date of application October 24th; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks —.

Residence, —; room No. 581; address Morris John A.; sworn, yes, nativity, N. Y.; color W.; term of residence, election district two years, assembly district two years, county two years, State two years; naturalized, native, date of papers —; court —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, —, room No. 558; address Calison, William; sworn, yes; nativity, Germ.; color, W.; term of residence, election district one year; assembly district one year; county fifteen years State fifteen years; naturalized, yes; date of papers, October 27th 1884; court, superior; qualified voter, yes; date of application October 24th; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence 606 Broadway; room 177; address, Chase, Charles E.; sworn, yes; nativity, U. S.; color W.; term of residence, election district two years, assembly district two years, county twenty-one years, State fifteen years, naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oc-
359 tober 7th; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —, remarks, —.

Residence, —, room 105; address, Coe, Russell T.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district ten years, assembly district ten years, county ten years, State ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 15th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —, room 127; address, Coe, Timothy, Jr. J.: sworn, yes; nativity, Conn., color, W.; term of residence, election district 10 yrs., assembly — 10 years, county 10 years, State 10 yrs.,; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name —; voted November, yes; challenged —; remarks, —.

Residence, 81 Marion street; room, third floor: address, Casey, William J.; sworn, yes; nativity, N. Y.; color, W.; term of residence election district thirty three years; assembly district thirty three years; county thirty three years; State thirty three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of qualification, October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, — room No. — third floor; address, Sheridan,
360 James; sworn, yes; nativity, Ireland, color, W.; term of residence, election district eight years; assembly district, eight years, county eight years, State eight years; naturalized, yes, date of papers, May 9, 1856; court, C. pleas; qualified voter yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 85 Marion street; room No. — house; address, Stanton, Allen; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years; assembly district two years; county five years; State five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 88 Marion street, room No. — top floor address, Simpson, Samuel, sworn, yes; nativity N. Y.; color, C.; term of residence, election district one year, assembly district one year, county five years, State five years; naturalized, native; date of papers, —; court, —; qualified voter, yes, date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, — room No. — first floor address Murrell, Alonzo S.; sworn, yes; nativity, N. J. color, C.; terms of residence, election district five years, assembly district five years, county twenty
361 years, State twenty years, naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence —, room No. — house; address King, Samuel; sworn, yes; nativity, Penn.; color, C.; term of residence, election district five years, assembly district five years, county twenty years, State twenty years; naturalized, native, *native*; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 89 Marion *Marion* street; room No. — first floor; address, Rable, Augustine; sworn, yes; nativity, Cuba, color C.; term of residence, election district two months, assembly district two months, county eighteen years, State eighteen years; naturalized, yes; date of papers, October 20, 1876; court, district court U. S.; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 257 Mulberry street; room No. — house; address, Durnin, Thomas Jr.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district one month, assembly district one month, county twenty-nine years, State twenty-nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of

application October 15th; why disqualified, —; date of
362 erasing name, —; voted November, yes, challenged —; remarks, —.

Residence. 259 Mulberry street; room No. — house; address, Gallagher, Hugh; sworn, yes, nativity, Ireland; color, W.; term of residence, election district one year, assembly district twenty years, county twenty years, State twenty years; naturalized, yes; date of papers, October 4, 1879; court, C. pleas; qualified voter, yes; date of application October 7th; why disqualified —; date of erasing name, —; voted November yes; challenged, —; remarks, —.

Residence, —; room No. — second floor; address; Gleason, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district one year, assembly district one year; county twenty-four years; State twenty-four years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —, room No. — second floor; address, Fitzgerald, Michael; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district one year, assembly district two years, county thirty-four years, State thirty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence, —, room No. — third floor; address Gamle,
363 William; sworn, yes; nativity, N. Y.; color W. term of residence; election district nine months, assembly district twenty-seven years; county twenty-seven years; State twenty-seven years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — third floor; address Fallen, William; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years, assembly district two years, county thirty one years; State thirty-one years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence, —; room No. — third floor; address Flinn, Dennis H.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district seven months; assembly district seven months; county two years; State two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 15th; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — second floor address, Kunkle, Valentine; sworn, yes, nativity, N. Y.; color, W.; term of resi-
364 dence, election district, five months, assembly district five months, county twenty-seven years, State twenty-seven years;

naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —, room No. — second floor, address, Kelley, Edward, sworn, yes; nativity, N. Y.; color, W.; term of residence election district two years; assembly district twenty-seven years; county twenty-seven years; State twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes, date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — second floor, address, Fallen, Michael; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district one year, assembly district thirty-seven years, county thirty-seven years; State thirty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes, date of application, October 15th; why disqualified, —; erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — third floor, address Barry, Richard; sworn, yes; nativity, N. Y., color, W.; term of residence, election district two months, assembly district five years; county twenty-three years; State twenty-three years, naturalized, native; date of papers, —; court, —; qualified voter yes; date of application
365 October 24th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — third floor, address, Hart, Jos. P.; sworn, yes, nativity, N. Y.; colored, W. term of residence, election district two years assembly district two years; county five years; State five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —, room No. — second floor, address, Nolan, Mortimer; sworn, yes, nativity, Ireland; color, W.; term of residence, election district three years; assembly district three months, county thirteen years; State thirteen years; naturalized, yes, date of papers, October 18th, 1865; court, city court, Albany; qualified voter yes; date of application, October 24th; why disqualified, —: date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — second floor, address Shine, Timothy; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district seven months; assembly district seven months, county forty-one years, State forty-one years; naturalized native; date of papers, —; court —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

366 Residence, —; room No. — second floor; address Gleason, Thomas; sworn, yes; nativity, N. Y.; color, W.; term of resi-

dence, election district four months, assembly district four months, county twenty-four years, State twenty four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — second floor, address, Foster, James; sworn, yes, nativity. N. Y.; color, W.; term of residence, election district six months; assembly district six months, county twenty-two years; State twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter —; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — second floor, address, Berger, Samuel; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district two months, assembly district twelve years; county, twelve years; State twelve years; naturalized, native, date of papers —; court, —; qualified voter, yes; date of application, October 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room No. — second floor, address McGovern, Francis; sworn, yes; nativity, N. Y.; color W.; term of residence, election district two months; assembly district two months; county twenty-three years; State twenty-three years; naturalized,
367 native date of papers, —; court, —; qualified voter, yes; date of application, October 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; room — third floor; address Irvin, Buchard H.; sworn, yes, nativity, Tenn.; color, W.; term of residence, election district three months, assembly district three months, county eight years; State eight years; naturalized, native, date of papers, blank; court, —; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —, remarks, —.

Residence, —; room No. — third floor, address Marsden, James; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district three months, assembly district six years; county six years; State thirty-one years; naturalized, native,; date of papers, —; court, —; qualified voter, yes; date of application October 25th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, —; 261 Mulberry street, room No. — basement, address, Hermann, Jean C. F.; sworn, yes, nativity, Germany; color, W.; term of residence election district two years, assembly district two years; county twenty years; State twenty years; naturalized, yes; date of papers, Aug. 22, 1867; court C. pleas. Qualified voter, yes; date of application October 7th; why disqualified, —;
368 date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 261 Mulberry street, room No. —, house; address, Moore, Hugh; sworn, yes, nativity, Ireland; color, W. term of residence, election district fifteen years, assembly district fifteen years; county fifteen years; State fifteen years; naturalized, yes; date of papers October 25th, 1866; court, com. pleas; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challedged —; remarks —.

Residence 263 Mulberry street, room No. —, third floor; address, Parker, Moses E.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district one year; assembly district one year, county one year; State one year; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application October the 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 263 Mulberry street room No. —, house; address, Kelley, Jas. S.; sworn, yes; nativity, N. Y. color, W.; term of residence, election district one year, assembly district one year, county two years, State two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —;

Residence 263 Mulberry street; room No. —, house; address,
Dolan, Geo. F.; sworn, yes, nativity, N. Y. color, W.; term of
369 residence; election district one year, assembly district, — county
thirty one years; State thirty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — first floor; address, Decker, Theodore; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district six months; assembly district twenty-four years; county twenty-four years, State twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry street; room No. — first floor; address, Foley, Henry L.; sworn, yes, nativity, N. Y. color, W.; term of residence, election district thirty-nine years; assembly district, thirty-nine years, county thirty nine years, State thirty nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — rear; address Dunn Jno. J.; sworn, yes; nativity, U. S.; color W.; term of residence, election district forty-three years, assembly district forty-three years, county forty-three years, State forty-three years; naturalized, native; date
of papers, —; court, —; qualified voter, yes; date of appli-
370 cation October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry room No. 1 rear ; address, Foley, Thomas E.; sworn, yes; nativity, U. S.; color, W.; term of residence, election district forty two years, assembly district, forty-two years; county forty-two years; State forty-two years; naturalized, native, date of papers, —; court —; qualified voter, yes; date of application October 15th ; why disqualified, —; date of erasing name — ; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry room No. — top floor ; address, Rafferty, Thomas; sworn, yes; nativity; Ireland, color, W.; term of residence, election district, two years, assembly district two years; county eighteen years, State eighteen years; naturalized ; yes, date of papers, August 7, 1867 ; court com. pleas; qualified voter, yes; date of application, October 15th ; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry ; room No. — second floor; address, Madigan, Dan'l.; sworn, yes, nativity, Ireland ; color, W.; term of residence, election district four months, assembly district four months, county thirty-five years; State thirty-five years naturalized, minor; date of papers, —; court, —; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, — voted on father's papers.

371 Residence, 267, Mulberry, room No. — basement; address, Hoffman, Henry; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district one year, county four years, State thirty-four years, naturalized, native; date of papers, —; court, —; qualified voter yes; date of application, October 24th ; why disqualified —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence 267 Mulberry street, room No. — 2nd floor, address, Dunn, Daniel ; sworn, yes, nativity Ireland, color, W.; term of residence, election district five years; assembly district five years, county thirty-four years, State thirty — years ; naturalized yes ; date of papers, October 19, 1860 ; court, com. pleas; qualified voter, yes, date of application October 25th ; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — first floor, address, Stech, Frederick ; sworn, yes, nativity, Germany ; color, W.; term of residence election district twelve years, assembly district eighteen years, county twenty years, State twenty years ; naturalized, yes ; date of papers, Sept. 14, 1872; court, superior ; qualified voter, yes ; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes ; challenged, —; remarks, —.

372 Residence, 275 Mulberry, room No. — first floor, address, McDonald, James; sworn, yes ; nativity, N. Y.; color, W.; term of residence, election district, seven months, assembly district ten years; county, thirty-two years; State, thirty-two years; naturalized native; date of pepers, —; court, —; qualified voter, yes, date of ap-

plication, October 7th; why disqualified, —; date of erasing name, —; voted, November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — first floor; address, Teath, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, four years, assembly district fifteen years; county fifteen years; State, fifteen years; naturalized, native; date of papers, —; court —; qualified voter —; date of application October 7th; why disqualified —; date of erasing name, —; voted November, challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — fourth floor; address Peters, Alfred; sworn, yes, nativity, Conn.; color, W.; term of residence, election district one year, assembly district one year, county fifteen, State fifteen; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks.

Residence, 275 Mulberry, room No. — top floor; address, Reier, Henry; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district two years; assembly district two years, county twenty six years, State twenty-six years, naturalized, native; date of papers, —; court, —; qualified voter, yes, date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

373 Residence, 275 Mulberry St., room No. — second floor; address, McClosky, John; sworn, yes, nativity, Ireland; color, W.; term of residence election district twenty years, assembly district twenty years; county twenty years, State twenty years; naturalized yes; date of papers Sept. 22 1853; court, Brooklyn city court; qualified voter, yes; date of application, October twenty-fourth; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry; room No. — second floor; address, Gimbel, John; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district seven years, assembly — seven years; county thirty one years, State thirty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted November, —, challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — second floor, address, Morgan, Joseph; sworn, yes; nativity, N. Y. color, W.; term of residence, election district one year, assembly district one year; county forty seven years; State forty seven years, naturalized native; date of papers, —; court, —; qualified voter, yes; date of application, October twenty-five; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry room No. — first floor; address, Kelley, John, sworn, yes, nativity, Ireland; color, W.; term of residence, election district six years; assembly district six years, county
374 thirty seven years, State thirty seven years; naturalized, yes; date of papers, October 8th, 1852; court, superior; qualified

voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — fourth floor; address, Bower, Hugo; sworn, yes, nativity, German-; color, W.; term of residence, election district four years, assembly district four years, county nine years; State nine years, naturalized, yes; date of papers, July 6th, 1871; court, St. criminal correction; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, criminal court of correction, St. Louis.

Residence 277 Mulberry; room No. — third floor; address, Pait, James; sworn, yes, nativity, Switz-; color, W.; term of residence, election district three years, assembly district three years, county seventeen years, State seventeen years; naturalized, yes; date of papers, October 16th, 1884; court com. pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. — second floor, address, Kelley, Arthur; sworn, yes, nativity, Ireland; color, W.; term of residence, election district thirty years, assembly district thirty years, county thirty years and State thirty years; naturalized,
375 yes; date of papers, Nov. 19, 1857, court, com. pleas; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — 2d floor, address, Widner, Robert, sworn, yes; nativity, Switzerland; color, W.; term of residence, election district one year, assembly district one year, county eighteen years; State eighteen years; naturalized, yes; date of papers October 23, 1880; court, disc. ct. U. S.; qualified voter, yes; date of application, October 24; why disqualified —; date of erasing name, —; voted November, no.; challenged, —; remarks, —.

Residence 277 Mulberry St., room No. — 3d floor; address, Maloney, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district seven months, assembly district seven months; county thirtyone years, State thirtyone years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry St., room No. — 2d floor; address, Macklin, Thomas; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district twentyfour years, assembly district, twentyfour years, county twentyfour years, State twentyfour years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 15; why disqualified, —; date of erasing name, —; voted November yes; challenged, —; remarks, —.

Residence 279 Mulberry St., room No. — 2d floor; address,
376 Macklin, Peter C.; sworn, yes, nativity, N. Y., color, W.; term of residence, election district twenty-seven years, assembly district twenty-seven years; county twenty-seven years, State twenty seven years; naturalized, native; date of pepers, —; court, —; qualified, voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry street, room No. — second floor; address, Macklin, Walter, J.; sworn, yes, nativity, N. Y.; color, W.; term of residence election district, twenty two years; assembly district twenty-two years; county, twenty two years, State twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 279 Mulberry street, room No. — first floor, address, Macklin, Francis H.; sworn, yes, nativity, N. Y.; color, W.; term of residenee election district fifty years; assembly district fifty years, county fifty years; State fifty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing *blank* —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry street, room No. — second floor, address, Morgan, Thomas; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district forty years, assembly district forty
377 years; county forty years, and State forty years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application October 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 281 Mulberry, room No. 2 rear; address, McGinnis, Hugh; sworn, yes; nativity, Ireland; color, W.; term of residence, election district thirty years, assembly district thirty years; county thirty years, State thirty years; naturalized, yes; date of pepers, October 27th, 1859; court, com. pleas; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry; room No. —; second rear; address, McGinnis, Thomas; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district thirty two years, assembly district thirty two years; county thirty two years, State thirty two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name —; voted November, yes; challenged —; remarks, —.

Residence, 281 Mulberry, room No. 2 rear; address, McGinnis, Hugh, Jr., sworn, yes; nativity, N. Y.; color W.; term of residence, election district twenty-six years, assembly district twenty-six years, county twenty-six years, State twenty-six years; natural-

ized, —; date of papers, —; court, —; qualified voter, yes;
378 date of application October 7th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry; room No. —; first rear; address, Lindsey, Wm. H.; sworn, yes, nativity, U. S.; color, W.; term of election district three years assembly district; three years; county forty one years; State forty two years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application, —; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. —; second floor, address, Blake, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district one year, assembly district one year; county twenty four years, State twenty-four years, naturalized, —; date of papers, —; court, —; qualified voter, —; date of application, October 15th; why disqualified —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence 281 Mulberry; room No. — second floor; address, Brennam, Wm.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district two months, assembly district two months, county twenty four years; State twenty-four years, naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — second floor; ad-
379 dress, Griffin, Patrick, sworn, yes; nativity, Ireland; color, W.; term of residence, election district, one year; assembly district, —; county one year, State one year, naturalized, yes; date of papers, Oct. 7th, 1887; court, com. pleas; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence 281 Mulberry room No. — second floor; address, Ryan, Roger; sworn, yes; nativity, Ireland; color, W.; term of residence, election district four years, assembly district four years, county thirty years, State thirty years; naturalized, yes, date of papers, October 21, 1884, court, superior; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — top floor; address, Boyle, Thomas, sworn, yes; nativity, Ireland; color, W.; term of residence, election district fifteen years, assembly district fifteen years, county fifteen years; State fifteen years; naturalized, yes; date of papers, October 24, 1879; court, superior; qualified voter, yes, date of application, October the 25th, why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 42 Crosby street, room No. — house; address, Schlemmer, Geo.; sworn, yes; nativity, German; color, W.; term of residence, election district one year, assembly district five years county

thirty-five years, State thirty-five years; naturalized, yes; date
380 of papers, Dec. 4, 1854; court, com. pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted, November, yes; challenged —; remarks, —.

Residence, 54 Crosby, room No. 1 St.; address; Socis, Frank; sworn, yes; nativity, Tenn.; color W.; term of residence, election district two years; assembly district two years; county twelve years; State 12 years; naturalized, native date of papers —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes, challenged. —; remarks, —.

Residence, 72 Crosby, room No. — second floor; address, Mackey, J. F.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district one year, assembly district twenty-seven years; county twenty seven years; State twenty-seven years; naturalized, native; date of papers, blank; court, —; qualified voter, yes; date of application, October 15th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, — remarks, —.

Residence 72 Crosby, room No. — first floor; address, Welsh, Thomas; sworn, yes; nativity, Ireland; color, W.; term of residence, election district three years, assembly district three years, county fifteen years, State fifteen years, naturalized, yes; date of papers, October 20th 1884; court, superior; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name —; voted November, yes, challenged, —; re-
381 marks, —.

Residence, 72 Crosby, room No. — second floor; address, McClenan, Wm.; sworn, yes, nativity, Ireland; color, W.; term of residence, election district one month, assembly district fifteen years, county fifteen years State fifteen years; naturalized, yes; date of papers, October 25, 1876; court, superior qualified voter, yes; date of application October 25; why disqualified, —; date of erasing name, —; challenged, —; remarks, —.

Residence, 72 Crosby, room No. — third floor; address, Birmingham, Thomas; sworn, yes; nativity, Ireland; color, W.; term of residence, election district two mouths, assembly district fourteen years, county fourteen years, State fourteen years, naturalized, yes; date of papers, October 21, 1876; court, superior; qualified voter, yes, date of application, October 25th; why qualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 112 Crosby street, room No. — second floor; address, Fealy, Edward W.; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, five years; assembly district, thirty-two years, county three years, State three years; naturalized, yes; date of papers, October 6th, 1888; court, com. pleas; qualified voter, yes; date of application October 7th; why disqualified, —; date of

erasing name —; voted November, yes; challenged, —; remarks, — p.

Residence 113 Crosby street room No. — house; address, Hall, Wardrop J.; sworn, yes; nativity, U. S.; color, W.; term of residence, election district, thirty years, assembly district thirty
382 years, county thirty years and State thirty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 112 Crosby street, room No. — house; address, Granby, James M.; sworn, yes; nativity, U. S.; color, W.; term of residence election district twenty five years, assembly district twenty five years; State twenty-five years, *State twenty-five years;* naturalized, native; date of papers, —; court —; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 115 Crosby street, room No. — house; address, Shultz, Henry; sworn, yes, nativity, German, color, W.; term of residence, election district five years; assembly district twenty eight years, county twenty-eight years, State twenty-eight years; naturalized, yes; date of papers Sept. 12th, 1864; court, com. pleas; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby street, room No. — house; address, Walter, William; sworn, yes, nativity, Conn.: color, W.; term of residence election district one month, assembly district one years, county seventeen years, State seventeen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —;
383 voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby, street, room No. — first floor; address, Mayer, Loouis; sworn, yes; nativity, Germany; color, W.; term of residence, election district nine months, assembly district fifteen months, county six years; State, six years; naturalized, yes; date of papers, October 2, 1876; court, com. pleas; State of New York, qualified voter, yes; date of application; October 15th; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 117 Crosby, room No. — first floor; address, Underhill, Daniel; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year, assembly district one years; county thirty four years, naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence 117 Crosby, room No. — second floor; address, Thompson, James; sworn, yes; nativity, Ireland, color, W.; term of residence, election district one year; assembly district seven years;

county, twelve years, State twelve years; naturalized yes; date of papers, October 16th, 1875, court, superior; qualified voter, yes, date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

384 Residence, 117 Crosby room No. — third floor; address, Smith, Lowry W.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, one year, assembly district one year; county nine years, State nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th, why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby, room No. — first floor, address, Lightwell, Frank; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district two years, assembly district two years, county seven years, State thirty two years, naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application, October 25th; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 117 Crosby street, room No. — second floor; address, Reed, Thomas, sworn, yes; nativity, England; color, W.; term of residence, election district six months; assembly district six months; county fourteen years; State fourteen years; naturalized, yes; date of papers, Sept. 29th, 1865; court, superior, Penn.; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name blank; voted November, yes; challenged, —; remarks, prothonotary court, Penn.

385 Residence, 119 Crosby street, room No. — first floor; address, Flannagan, Edward; sworn, yes, nativity Ireland; color, W.; term of residence, election district thirty years, assembly district, thirty *district*, county thirty years, State thirty years; naturalized, yes; date of papers, October 22nd, 1858; court, C. pleas; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 119 Crosby street, room No. — second floor; address, Delury, Jos. F.; sworn, yes; nati*t*ivity, N. Y. color, W.; term of residence election district, five years, assembly district five years, county, twenty-three years, State twenty-three years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 119 Crosby street, room No. — third floor; address, Harley, John J. sworn, yes, nativity, Ireland; color, W.; term of residence, election district four years, assembly district four years, county, thirty-three years, State thirty-three years; naturalized, yes; date of papers, September 8, 1868; court, C. pleas; qualified voter, yes; date of application, October 24th; why disqualified —; date

of erasing name, —; voted November, yes; challenged, blank, remarks, —.

Residence, 121 Crosby street, room No. — third floor; address, Mattison, Frederick; sworn, yes; nativity, Germany; color, W.; term of residence, election district three years, assembly district fifteen years; county twenty years; State twenty years; naturalized; yes; date of papers, October 4, 1879; court, C. pleas;
386 qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name blank; voted November, yes; challenged, —; remarks, —.

Residence, 121 Crosby street, room No. — house; address, Casey, William; sworn, yes, nativity, Ireland; color, W; term of residence, election district ten years; assembly district ten years, county thirty six years, State thirty-six years, naturalized, yes; date of papers, April 15, 1855; court C. pleas; qualified voter, yes; date of application, October the 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks —.

Residence, 121 Crosby, room No. — second floor; address, Birmingham, John; sworn, yes, nativity Ireland; color, W.; term of residence, election district two years; assembly district thirty years, county thirty years, State thirty years; naturalized, yes; date of papers, October 26th, 1860; court C. pleas; qualified voter, yes; date of application October 24th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 125 Crosby street, room No. — first floor, address, Petrine, Frank, sworn, yes; nativity, Italy; color, W.; term of residence, election district four months, assembly district four months; county twenty-nine years; State twenty-nine years; naturalized, yes, date of papers, October 16, 1872; court, superior; qualified voter, yes; date of application October the 24th; why disqualified, —; date of erasing name, —; voted in November, yes; challenged, —; remarks, —.

Residence, 126 Crosby street, room No. — second floor
387 address, Suscher, Jacob; sworn, yes, nativity, German, color, W.; term of residence, election district five months, assembly district five months, county thirty years, State thirty years; naturalized yes; date of papers, Nov. 13th, 1861; court C. pleas; qualified voter, yes; date of application, October 20, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 126 Crosby street, room No. — second floor, address, Warlbe, J.: sworn, yes; nativity N. Y.; color, W.; term of residence, election district two months, assembly district two months, county three years; State twenty-one years, naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence, 133 Crosby street, room No. — basement; address, Foundation, Michael; sworn, yes, nativity, Ireland; color, W.;

term of residence election district, three months, assembly district ten years; county, ten years; State ten years; naturalized, yes, date of papers, October 5, 1882; court, superior; qualified voter, yes; date of application October the 7th; why disqualified, —; date of erasing name, blank; voted, November, yes; challenged, —; remarks, —.

Residence, 133 Crosby street, room No. — base-; address, Lynch, Christopher, sworn, yes, nativity, New York; color, W.; term of residence, election district one year, assembly district one year; county one year, State one year; naturalized, native date of
388 papers, —; court, —; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence, 133 Crosby, room No. — first floor; address, Nolopp, Christoff; sworn, yes, nativity Germany; color, W.; term of residence, election district twenty-three years; assembly district twenty three years; county thirty-five years; State thirty-five years; naturalized, yes; date of papers, October the 7th, 1866; court com. pleas; qualified voter, yes; date of application, October, the 25, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 133 Crosby St., room No. — 1st floor; address, Miltonberger, Tony; sworn, yes; nativity, N. Y.; term of residence, election district seven years; assembly district, seven years; county twenty-five years; State twenty-five years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application, October the 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 135 Crosby street, room No. — top floor; address, McDonald, Francis; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district three years, assembly district twenty five years; county, twenty-five years; State twenty five years; naturalized, native; date of papers, —; court, —; qualified voter,
389 yes; date of application October the 7th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby street, room No. — 2d, rear; address, Jenthner, Albert K.; sworn, yes; nativity Germany; color, W.; term of residence, election district one year; assembly district one year; county, four years; State four years, naturalized, yes, date of papers, —; court —; qualified voter, yes; date of application October 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, votes on father's papers.

Residence, 135 Crosby street, room No. — 2nd rear; address, Murray, Daniel; *sworn*; sworn, yes; nativity, Mass.; color, W.; term of residence, election district one month, assembly district one month; county, three years; State three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Octo-

ber 15th; why disqualified —; date of erasing name blank; voted November, yes; challenged, —; remarks, —.

Residence 135 Crosby street, room No. — 2nd floor; address, Weiss, Henry; sworn, yes; nativity, Austria; color, W.; term of residence, election district six months, assembly district six months; county eleven months; State eleven years; naturalized, yes; date of papers, October 17th*m* 1884; court, C. pleas; qualified voter, yes; date of application, October 24th; why disqualified —; date of erasin- name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 135 Crosby street, room No. — 2nd floor; address, Jordan, Peter; sworn, yes; nativity, German; color, W.; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirteen —; State thirteen years; naturalized, yes; date of papers, October 25th, 1878; court, C. pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby street, room No. — 2nd floor; address, Cunningham, Richard J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two months; assembly district, thirty-four years, county thirty four years; State thirty four years; naturalized, native; qualified voter, yes; date of application, October 24th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 135 Crosby street, room No. — 1st floor; address, Pater, Kelly W.; sworn, yes; nativity, N, Y.; color, W.; term of residence, election district four months, assembly district, six months, State twenty-two years, naturalized, native; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 138 Crosby St. room No. — 2nd floor; address, Hays, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years assembly district, twenty years; county, twenty years; State twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 138 Crosby street, room No. — 1st floor; address, Campbell, William J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years; assembly district two years; county, forty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; why disqualified, —; date of erasing name —, voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room No. — 4th floor; address, O'Reilly, Jr. Michael, sworn, yes, nativity, N. Y.; color, W.; term of residence, election district 22 years; assembly district, 22 years; county 22 years; State 22 years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Octo-

ber 7th, why disqualified, —; date of erasin*f* name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room No. — 4th floor; sworn; nativity, N. Y.; color, W.; term of residence; election district, twenty-four years; assembly district twenty-four years; county twenty-four years; State twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 7th, why disqualified, —; date of erasin- name, —:
392 voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room No. — 4th floor; Tansey, Joseph F.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, twenty-four years; assembly district twenty-four years, county twenty-four years; State twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room No. — 4th floor; address, O'Reilley, Michael, Sr.; sworn, yes; nativity, Ireland; color, W.; term of residence, election district eleven years; assembly district eleven years; county, thirty-four years; State, thirty-four years; naturalized, yes; date of papers, October 25, 1850; court, com. pleas; qualified voter, yes; date of application October 15; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room No. — 2nd floor; address, Davidson, Emmet; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, two months; assembly district, two months, county thirteen years, State, thirteen years; naturalized native, date of papers, —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

393 Residence, 140 Crosby street, room No. — 3d floor; address, Cunningham, John; sworn, yes; nativity, Ireland; color, W.; term of residence, election district five years; assembly district five years; county, fifty-nine years; State fifty-nine years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks, true native of parent.

Residence, 140 Crosby street, room No. — 3rd floor; address, Cunningham, Alfonso; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district five years; assembly district, five years; county twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby street room No. — 3rd floor, address, Bennett, Thomas; sworn, yes, nativity, N. Y.; color, W.; term of resi-

dence, election district, twenty-two years; assembly district twenty-two years; county, twenty-two years, State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby street, room No. — 2nd floor; sworn, yes; nativity, Ireland; color, W.; term of residence, election district five years; assembly district, ten years; county, thirty-seven
394 years; naturalized, yes; date of papers, Aug. 18, 1856; court, com. pleas; qualified voter, yes; date of application October 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby street, room No. — 2nd floor; address, Lynch, Michael; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, ten years; assembly district, ten years; county thirty-seven years, State thirty-seven years; naturalized, minor; date of papers, —; court, —; qualified voter, yes; date of application —; why disqualified, —; date of erasing name, —; voted in November, yes; challenged, —; remarks, —; voted on father's papers.

Residence, 140 Crosby street; room No. — 2nd floor; Lynch, Lawrence B.; sworn, yes; nativity, Ireland; color, W.; term of residence, election district five years; assembly district, five years, county five years, State five years, naturalized, yes; date of papers, October 4, 1860; court, com. pleas; qualified voter, yes; date of application October 24, why disqualified, —; voted November, yes, challenged —, remarks, —.

Residence 140 Crosby street, 4th floor, address Bennett, William; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years, assembly district twenty-one years, county twenty-one years; State, twenty-one years, naturalized; date of papers, —; court, —; qualified voter, yes; date of application October
395 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby street, room No. — 4th floor; address, Jordan, Michael; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, six months; assembly district six months; county thirteen years, State thirteen years; naturalized, yes; date of papers, October 20 1880; court, superior; qualified voter, yes; date of application October 25, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby street, 4th floor, address Reilly, Thomas; sworn, yes; nativity, Ireland, color, W.; term of residence, election district eight months; assembly district, eight months, county, sixteen years; State, sixteen years; naturalized, yes; date of papers, October 22 1880; court, com. pleas; qualified voter, yes; date of application —, why disqualified, — date of erasing name, —; voted November, yes, challenged —; remarks, —.

Residence, 140 Crosby street, room No. — 3rd floor; address, Bennett, Patrick; sworn, yes: nativity, Ireland; color, W.; term of residence, election district, thirty-three years; assembly district, thirtythree years; county, thirty three years; State, thirty-three years; naturalized, yes; date of papers, July 26, 1864; court, com. pleas; qualified voter, yes; date of application October 15th, why disqualified, —; date of erasin- name, —; voted November, yes; challenged, —; remarks, —.

Residence, 15 E. Houston St., room No. — base.; address,
396 Steppenfeldt, William; sworn, yes; nativity, German; color, W.; term of residence, election district, four years; assembly district seven years, county twenty-five years; State twenty-five years; naturalized, yes; date of papers, April 4, 1866; court superior; qualified voter, yes, date of application October 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 15 E. Houston St. room No. — 2nd floor; address, Gebhart, Geo.; sworn, yes; nativity, German; color, W.; term of residence, election district two years; assembly district five years; county, twenty-five years, State twenty-five years; naturalized, yes; date of papers, Oct. 11th, 1876; court, C. pleas; qualified voter, yes; date of application October 25; why disqualified, — date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 E. Houston St. room No. 5; address, Packard, Frank N.; sworn, yes; nativity, U. S.; color, W.; term of residence, election district, two years, assembly district, two years; county, five years; State five years, naturalized, native, date of papers —; court, —; qualified voter, yes; date of application, October 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 E. Houston St., room No. — 3rd floor; address, Williams, John W.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district four years, assembly district four years; county sixty years; State sixty years; naturalized, native
397 date of papers, —; court, —; qualified voter, yes; date of application, October 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 E. Houston St. room No. — 3rd floor; address, Banks, Francis; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district four years, assembly district four years, county, twenty years, State forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 E. Houston street, room No. — 1st floor; address, Randolph, Samuel E.; sworn, yes; nativity, N. J.; color, W.; term of residence election district, four years; assembly district four years, county, five years; State five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oc-

tober 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 E. Houston St. room No. 9; address, Bernard, Geo. N.; sworn, yes, nativity, S. C.; color, W.; term of residence, election district two years; assembly district two years, county eight years, State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 15th, why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

398 Residence, 21 E. Houston St. room No. — house; address, Doctorman, Paul; sworn, yes; nativity, German, color, W.; term of residence, election district six years; assembly district, six years, county fourteen years; State, sixteen years, naturalized, yes; date of papers, October 23, 1876; court superior; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St. room No. — 3rd floor; address, Deidrichs, William; sworn, yes, nativity German; color, W.; term of residence, election district three years, assembly district five years, county five years; State, five years; naturalized, yes; date of papers, March 16, 1859; court superior; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St. room No. — 2nd floor; address, Roester, Aug.; sworn, yes; nativity, German; color, W.; term of residence, election district fourteen years, assembly district, fourteen years; county, seventeen years; State, seventeen years; naturalized, yes; date of papers, July 28, 1879; court, C. pleas; qualified voter, yes; date of application, October 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

399 Residence, 21 E. Houston St. room No. — 2nd floor address, Beckend, Emile; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district fourteen years; assembly district fourteen years; county fourteen years, State, fourteen years; naturalized native; date of papers, —; court, —; qualified voter, yes; date of application October 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St. room No. — 2nd floor; address, Mayer, Joseph; sworn, yes; nativity, England; color, W.; term of residence, election district seven years; assembly district —; county, thirty-one years, State, thirty-one years; naturalized, yes; date of papers, October 7th, 1880; court, C. pleas; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St. room No. — 2nd floor; address, Doody, John; sworn, yes; nativity, N. Y.; color, W.; term of residence,

election district one year, assembly district twenty-four years, county twenty-four years; State twenty-four years; naturalized; native, date of papers, —; court, —; qualified voter yes; date of application October 24th; why disqualified, — date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St. room No. — 3rd floor; address, Delorne, Sordan; sworn, yes, nativity, French; color, W.; term of residence, election district five years, assembly district five years; county, thirty one years, State thirty one years; naturalized
400 yes; date of papers, October 19, 1856; court C. pleas; qualified voter, yes; date of application, October the 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenge-, —; remarka, —.

Residence, 21 E. Houston St., room No. 27; address Hahenstein, Carl J.; sworn, yes, nativity, U. S.; color, W.; term of residence, election district, three months, assembly district three months, county, one year; State, twenty-two years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application, October, 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St., room No. — 5th floor; address, Luschner, John; sworn, yes; nativity, German; color, W.; term of residence, election district, two months; assembly district, two months; county, one year; State one year; naturalized, yes; date of papers, October 20, 1884; court superior; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 25 E. Houston St., room No. — 2d floor; address, Dwyer, John C.; sworn, yes; nativity, Ireland, color, W.; term of residence, election district twenty-two years; assembly district, twenty-two years; county twenty two years; State twenty-two years; naturalized, yes; date of papers, Oct. 14, 1872; court C. pleas; qualified voter, yes; date of application October the 7th; why disqualified, —; date of erasing name, —; voted November, no; chal-
401 lenged, —; remarks, —.

Residence, 25 E. Houston St.; room No. — 3d floor; address, Turner, Samuel; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district three years, assembly district ten years; county, fifteen years; State fifteen years; naturalized, native; date of papers, —; court, --; qualified voter, yes, date of application October 7th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St.; room No. — store; address, Heindl, Joseph, Jr.; sworn, yes; nativity, Austria; color, W., term of residence, election district, seven years; assembly district, seven years; county, twelve years; State, twelve years; naturalized, minor; date of papers, —; court, —; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —;

voted November, yes; challenge-, —; remarks, votes on father's papers.

Residence, 25 E. Houston St., room No. — 1st floor; address Heinecke, Edmund W.; sworn, yes; nativity, German; color, W.; term of residence, election district seven years; assembly district seven years; county twenty-seven years; State twenty-seven years; naturalized, yes; date of papers, Oct. 14, 1866; court, C. pleas; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 21 E. Houston St.; room No. — 2d floor; address,
Lynch, Frederick P.; sworn, yes, nativity, Ill.; color, W.;
402 term of residence, election district, eight years; assembly district, eight years; county sixteen years; State sixteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 25th; why disqualified, —; date of erasing name, —; voter November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St., room No. — store; address, Heindl, Joseph; sworn, yes, nativity, Austria; color, W.; term of residence, election district seven years; assembly district, seven years, county twelve years; State twelve years; naturalized, yes; date of papers, June 23d, 1881; court C. pleas; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 E. Houston St., room No. — store; address, Durham, Patrick J.; sworn, yes; nativity, Ireland, color, W.; term of residence, election district five years; assembly district twenty-eight years; county, twenty-eight years; and State twenty-eight years; naturalized, yes; date of papers, April 12, 1842; court, C. pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 21 E. Houston St., room No. 9, address, Chappust, Jean C.; sworn, yes; nativity, France; color, W.; term of residence, election district, eight years; assembly district eight years; county
thirty-three years; State thirty-three years; naturalized, yes;
403 date of papers, October 11th, 1869; court, C. pleas; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenge-, —; remarks, —.

Residence, 21 E. Houston St. room No. *room No.* — base-; address, Cuozzo, Donato; sworn, yes; nativity, Italy; color, W.; term of residence, election district eight years; assembly district eight years; county sixteen years; State sixteen years; naturalized, yes; date of papers, November 22, 1883; court, superior; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name —; voted November, yes; challenge-, —; remarks, —.

Residence, 21 E. Houston St., room No. — 2d floor; address, Heroth, Theodore; sworn, yes; nativity, German; color, W.; term of residence, election district, two years; assembly district, two years; county six years; State six years; naturalized, yes; date of papers, October 21st, 1872; court, superior; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 27 E. Houston St., room No. — base-; address, Roos, Ludwick; sworn, yes; nativity, German; color, W.; term of residence, election district six years; assembly district six years; county sixteen years, State, sixteen years; naturalized, yes; date of papers, Oct. 17, 1884; court, C. pleas; qualified voter, yes, date of application October 7th, why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

404 Residence, 4 Jersey St., room No. — house, address, Keliher, Patrick; sworn, yes; nativity, Ireland; color, W.; term of residence, election district ten years; assembly district ten years; county twenty years; State twenty years; naturalized, yes; date of papers, October 15th, 1880; court, superior; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 4 Jersey St., room No. — second floor; address, Pisano, Dohneo; sworn, yes; nativity, Italy; color, W.; term of residence, election district nine months; assembly district nine months; county ten years; State ten years; naturalized, yes; date of papers, Oct. 18, 1883; court, C. please; qualified voter, yes; date of application, October 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenge-, —; remarks, —.

Residence, 5 Jersey St., room No. — 2d floor; address, Meyer, Hoffer Geo.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district nine months; assembly district; nine months; county forty years; State forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application. October 15th, why disqualified, —; date of erasing name, —; voted November, yes; challenge-, —; remarks, —.

Residence 7 Jersey St., room No. — 1st floor; address, Lasso, Michael; sworn, yes, nativity, Italy; color, W.; term of residence, election district three years; assembly district three years; county thirteen years; State thirteen years; naturalized —; date of
405 papers, May 27th, 1881; court, superior, qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 82 Spring St., room No. — top floor; address, Marinella, Geusippe; sworn, nativity, Italy; color, W.; term of residence, election district, eight months; assembly district, eleven years; county eleven years; State eleven years; naturalized, yes; date of papers,

Oct. 15, 1879; court C. pleas; qualified voter yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November yes; challenged, yes; remarks, —.

Residence, 83 Spring St., room No. — 1st floor; address, Lenz, John J.; sworn, yes; nativity, German; color, W.; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty-years; naturalized, yes; date of papers July 22, 1862; court C. pleas; qualified voter yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — 3d floor; address, Badan, Aleide; sworn, yes; nativity, France; color, W.; term of residence, election district one year; assembly district, yen years; county, thirty four years; State, thirty four years; naturalized, yes, date of papers, October 8th, 1863; court, C. pleas; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

406 Residence, 83 Spring St.; room No. — 2nd floor; address, Weber, August; sworn, yes; nativity, German, color, W.; term of residence, election district eight years; assembly district eight years; county eight years; State, eight years; naturalized, yes; date of papers, October 18, 1878; court, superior; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — top floor, address, Granberg, Naftale; sworn, yes; nativity, Austria; color, W.; term of residence, election district six months, assembly district six months, county eleven years, State eleven years; naturalized, yes; date of papers, August 20, 1883; court superior; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 65 Prince St., room No. — house, address, Clancy, Charles M.; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, seven years, assembly district twenty years, county forty-two years; State forty-two years; naturalized, minor, date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, — votes on father's papers.

Residence 65 Prince St., room No. — house; address, Donelli, Thomas; sworn, yes; nativity, N. Y.; color W.; term of residence, election district seven years; assembly district, seven years

407 county twenty two years, State twenty-two years; naturalized native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence 432 Broome, room No. — 3d floor; address, Fuchs, George; sworn, yes; nativity, German; color, W.; term of residence, election district four years; assembly district four years, county

nineteen years, State nineteen years; naturalized, yes; date of papers October 18, 1876; court, C. pleas; qualified voter yes; date of application October 7th, why disqualified —; date of erasing name, —; voted November yes; challenged, —; remarks, —.

Residence, 11 E. Houston St., room No. — fourth floor, address, Jeogh, Frank J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district one year; county twenty years, State twenty eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 15th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 E. Houston St. room No. — third floor, address, McGloin, Edward J.; sworn, yes; nativity, U. S. color, W.; term of residence, election district four m-nths, assembly district two years, county, forty years, State forty years; naturalized native; date of papers, —; court —; qualified voter, yes, date of application October 15th, why disqualified, —; date of erasing name, —;
408 voted November, yes; challenged, —; remarks, —.

Residence, 11 E. Houston St., room No. — 3d floor; address, Paine, John; sworn, yes; nativity, Spain; color, W.; term of residence, election district one year; assembly district one year; county one year; State, twenty-six years; naturalized, yes; date of papers, October 14 1868; court, city court of Brooklyn; qualified voter, yes; date of application, October, 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 7 E. Houston St. room No. — 1st floor, address, Corker, Robert; sworn, yes; nativity S. C.; color, col.; term of residence, election district three years; assembly district, three years; county three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 15th why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 292: address, Nash, Job. M. Nash, sworn, yes, nativity, Ohio; color, W.; term of residence — district, two years; assembly district, two years; county fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — house; address,
409 Clair, Henry; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district eight years, assembly district eight years, county eight years, State eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —:

Residence, 584 Broadway, room No. 555, address, Stembeck, Millard F.; sworn, yes; nativity, N. Y.; color, W.; term of residence,

election district, five months, assembly district —; county one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes, date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 580; address, Seymour, Frank; sworn, yes, nativity, New York; color, W.; residence, *district* election district two years; assembly — two years; county, thirty-five years; State thirty-five years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application October 24; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 585 Broadway, room No. 503 address; Ketih, Otis M.; sworn, yes, nativity, Mass.; color, W.; term of residence, election district ten years, county ten years, State ten years, naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of eras-
410 ing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway; room No. —; fourth floor; address, Nickbocker, John E.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, four months; assembly district, four months; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 575; address, Conlan, Michael; sworn, yes; nativity, Ireland: color W.; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years, naturalized, yes; date of papers, September 16, 1880; court, com. pleas; qualified voter, yes; date of application, October 24th, why disqualified, —; date of erasing name —; voted November, yes; challenged, —; re-marks,—.

Residence, 584 Broadway, room No. 576 address, Bennett, Thomas F.; sworn, yes; nativity, N. Y.; color W.; term of residence, election district, one month, assembly district, one month; county eight years; State eight years; naturalized native; date of papers, —; court, —; qualified voter, yes; date of application, October 24th why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 560 address; Victory,
411 Thomas; sworn, yes; nativity, Ireland, color, W.; term of residence, election district five years, assembly district five years, county five years; State, five years; naturalized, yes; date of papers, October 7th, 1872; court, sessions, Philadelphia; qualified voter, yes; date of application, October 25th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 264; address, Bates, Chas. K.;

sworn, yes; nativity, U. S. color, W.; term of residence, election district six months, assembly district six months; county ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 252 address, Oter, John M.; sworn, yes; nativity, N. Y.; color W.; term of residence, election district, one year assembly district one year, county twenty- years; State, twenty years, naturalized, native; date of papers, —; court —; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted November yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 383; address Mirchell, Peter, sworn yes; nativity, Sevitch, color W.; term of residence, election district three months, assembly district three months county, twenty years; State, twenty years, naturalized, yes; date of papers, 412 May 1, 1856; court, com. pleas; qualified voter, yes; date of application, October 25th, why disqualified, —; date of erasing name, — p.; voted November, yes; challenged, —; remarks, —.

Residence, 25 E. Houston street, room No. — 3d floor, address, Curtis, Theodore; sworn, yes; nativity, N. Y.; color, W.; term of residence election district five years; assembly district five years, county ten years; State ten years, naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 25th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

We the undersigned inspectors of election in the sixteenth district of the third assembly district of the city and county of New York, do jointly and severally certify, that at the general registration of voters, held in the said election district on the 7th–15th days of October and the 24th–25th days of October in the year 1884, there were registered by us as qualified voters in the said election district, the names which in this book are entered as of said days and that the number of such registered and qualified voters was and is two hundred and one.

Dated New York, October 25, 1884.

JAMES F. MACKEY.
THOMAS MACKLIN.
JOHN HAYES.
JOHN McCUE.

413 "EXHIBIT 'A,' JOSEPH KELLEY."

I, Charles S. Whitman, notary public in and for the county of New York and State of New York, certify that the said Joseph Kelley, witness, wrote in my presence the said words, "Exhibit A"

and subscribes his name thereto and that this "Exhibit A" is the identical "Exhibit A" which said witness made part of his answer to question No. 6 of this his deposition and attaches to this his deposition:

CHARLES S. WHITMAN,
Notary Public, New York County, State of New York.

U. S. internal revenue stamp,—10 cts. Canceled Feb'y 9, 1898.

414 Public Copy.

Register of Voters of the Sixteenth, 16th—Election District, Third,—3rd—Assembly District of the City of New York, 1885.

The board of inspectors must enter into this register the names of all persons registered on each registration day, and have it suspended in the polling place between each registration day and up to the day of election. On election day the chairman shall take charge of the same, and file it and his own copy in the office of the chief of the bureau of *of* election- within twenty-four hours after the completion of the canvass of the votes, in compliance with sections 1861, and 1864 of chapter 410 of the Laws of 1882, cited as the New York city consolidation act:

SECTION 1861. The inspectors of election in each election district shall on each day of any general registration before adjourning, enter into each of two books prepared for that purpose, one of which shall be known as a "public copy" of the registers and the other of which shall be known as the "election bureau" copy of the registers. All such names and residences, and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this chapter.

SECTION 1864. The "public copy" of the registers they shall, at the close of their proceedings on each day of any general registration, and upon the determination of their proceedings on the last day of any revision of registration, leave suspended in the place where such registration or revision of registration was conducted, where it shall be and remain until the next meeting of the said inspectors, whether such meeting be for the purpose of registration, revision of registration, or election, to the end that the same
415 may be inspected and copied by any elector in said city and county. But on the day of any election the said inspectors shall take possession of said "public copy" and the chairman shall closely retain the same throughout the said day, returning it to the chief of the bureau of elections, as provided in this chapter for the return of the register kept by him, and with said register; and said copy shall be by the said chief of the bureau of elections retained and preserved and filed in said bureau.

Election District.

518 Broadway	Pages	1
584 Broadway	"	1
584 Broadway	"	2
606 Broadway	"	2
Marion St	"	3
Mulberry St	"	4–5–6–7–8–& 22
Crosby St	"	9–10–11–12–13–23
E. Houston St	"	14–15–16–17
Jersey St	"	18–19
Spring St	"	20
Prince St	"	21
Broome St	"	21

Assembly District.

Pages —.

417 Register of Voters of the Sixteenth—16—Election District of the Third—3—Assembly District of the City of New York, 1885.

Residence, 518 Broadway, room No. 34; address; Massett, John D.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district one year; assembly district one year; county five years; State five years; naturalized, native; date of papers —, court, —; qualified voter, yes, date of application October 14th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 518 Broadway, room No. — 2d floor; address, Van Bussem, Phillip, sworn, nativity, N. J.; color, W.; term of residence, election district three years; assembly district three years; county three years; State, there years; naturalized; native; date of papers, —; court, —; qualified voter, yes; date of application October 23d, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 518 Broadway, room No. — 3rd floor; address, Waterbury, David M.; sworn, yes, nativity, N. Y. color, W.; term of residence, election district four months; assembly district four months, county seven months; State forty eight years; naturalized, native date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remraks, —;

418 Residence, 518 Broadway, room No. — 2d floor; address, Fisher, Henry A.; sworn, yes; nativity, Mass.; color, W.; term of residence, election district five years; assembly district five years, county five years, State five years; naturalized, native; date

of papers, —; court, —; qualified voter, yes, date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 152; address, Shaw, Chas. T.; sworn, yes; nativity, N. Y.; color W.; term of residence, election district three months; assembly district two years, county twenty-five years; State, twenty-five years; naturalized native; date of papers, —; court, —; qualified voter, yes; date of application October 14th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — 5th floor; address, William, Henry; sworn, nativity, N. Y.; color, col.; term of residence, election district nine years, assembly district nine years, county nine years, State nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 4th, why disqualified, date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 559; address, Shea, Mortimer F.; sworn, yes, nativity, R. I.; color, W.; term of residence, election district, six years, assembly district six years, county
419 six years, State six years, naturalized, native; date of papers, —; court, —; qualified voter, yes, date of application October 14th; why disqualified, —; date of erasing name, —; voted November, challenged, —; remarks, —.

Residence, 584 Broadway; room No. — 2nd floor; address, Carlson, William; sworn, yes; nativity, Germany; color, W.; term of residence election district two years; assembly district two years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, October 23, 1884; court superior; qualified voter, yes; date of application October 14th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway room No. 479; address; Guiton, Harry Page; sworn, yes; nativity, Md.; color, W.; term of residence, election district one year; assembly district, one year; county, two years; State, two years; naturalized, natice; date of papers, —; court, —; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 585; address; Wood, Arthur R.; sworn, yes, nativity, N. Y. color white; term of residence, election district two years, assembly district, two years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

420 Residence, 584 Broadway, room No. 588; address, Nolan, James, sworn, yes, nativity, Penn., color W.; term of residence, election district, seven years, assembly district seven years; county seven years; State, seven years; naturalized, native, date of

papers, —; court, —; qualified voter, yes; date of erasing name, —; voted November no; challenged —; remarks, —.

Residence, 584 Broadway, room No. 586; Golden Timothy, sworn, yes; nativity, Ireland, color white; term of residence, election district, two years; assembly district two years; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers, July 10, 1854; court, superior; qualified voter yes; date of application, October 14th, why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 364; address; O'Sullivan, Sylvester, J.; sworn, yes; nativity, Canada; color, W.; term of residence, election district five years assembly district five years, vounty five years State, five years; naturalized, yes; date of papers January 8th, 1874; court, Rensselear county court; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 504; address, Keith, Otis M.; sworn, yes, nativity, Mass.: color white, term of residence, election district eleven years, assembly district, eleven years, county
421 eleven years; State, eleven years; naturalize-, native; date of papers, —; court, —; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 554, address; Prescott, Frank W.; sworn, yes; nativity, La.; color white, term of residence, election district two years; assembly district two years; county eight years, State eight years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application, October 23, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway room No. 550, address: Seymour, Franklin, sworn, yes; nativity, N. Y.; color white term of residence, election district two years; assembly district three years, county three years; State three years naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 561; address, Dunne, James, sworn, yes; nativity, Ireland, color white; term of residence, election district ten years; assembly district ten years, county, ten years; State, ten years; naturalized, yes; date of papers, March 31; 1862; court, com. pleas; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

422 Residence 584 Broadway, room No., 326; address, Mitchell, Peter; sworn, yes; nativity, Scotland, color, white, term of residence, election district eighteen months, assembly district eighteen months, county, twenty years; State twenty years; naturalized, yes; date or papers, May 18, 1866; court, C. pleas; qualified voter,

yes; date of; application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 558; address, Brewster, George B.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district one year, county one year, State one year, naturalized, native date of papers, —; court, —; qualified voter, yes, — date of application October 14th; why disqualified, —; date of erasing name, blank; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 591; address, Barnett, David; sworn, yes; nativity, N. Y. color; W.; term of residence, election district, one year; assembly district, one year; county and State one year; naturalized, native date of papers, —; court, —; qualified voter, yes; date of application October 14th, why disqualified, —; erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 111; address, Nash,
423 Job M.; sworn, yes; nativity, Ohio; color W.; term of residence, election district, three years; assembly district, three years; county, three years; State three years; naturalized, native; date of papers, —; court, —; qualified, voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks, —.

Residence, 584 Broadway, room No. 560, address, Simpson, Frank J.; sworn, yes, nativity, N. Y.; color, white; term of residence, election district four years, assembly district, four years; county, four years; State four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks, —.

Residence 584 Broadway; room No. 522; address, Gannon, William N.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county one year; State one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 522, address McLaughlin, J. C.; sworn, yes; nativity N. Y.; colored, white; term of residence, election district, two years, assembly district two years; county, two years; State, two years, naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application —; court,
424 —; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks, —.

Residence, 606 Broadway; room 172; address, Bishop, Arthur L.; sworn, yes; nativity, Ga.: color, W.; term of residence election district six months; assembly district, six months; county fourteen

years; State fourteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 606 Broadway; room No. 127; address, Coe, Timothy J. Jr.; sworn, yes; nativity, Conn.; color, white; term of residence, election district ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 105; address, Coe, Russell, T.; sworn yes; nativity, Conn.; color, W.; term of residence, election district ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified —; date of erasing name, —; voted Novem-
425 ber, yes; challenged, —; remarks, —.

Residence, 81 Marion St., room No. — 3d floor; address, Casey, William J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, thirty-five years; assembly district thirty-five years; county, thirty-five years; State thirty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 81 Marion St., room No. — house, address, Sheridan, James; sworn, yes, nativity, Ireland; color, W.; term of residence, election district, nine years; State, nine years; naturalized, yes; date of papers, May 9th, 1856; court, C. pleas; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —,

Residence, 81 Marion St., room No. — house; address, Sheridan, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, nine years, assembly district, nine years; county, nine years; State nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks, —.

Residence, 81 Marion St., room No. — 3d floor; address, Graham, James, sworn, yes; nativity, N. Y.; color, white; term of
426 residence, election district seven years, assembly district, seven years; county seven years; State seven years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks, —.

Residence; 85 Marion St., room No. — 1st floor; address Woods, Arthur; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, eight months, assembly district eight months, county twenty nine years; State twenty-nine years; nat-

uralized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23d, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 88 Marion St., room No. — 1st floor; address, Woods, James; sworn yes; nativity, Ireland; color, white; term of residence, election district, eight months; assembly district eight months, county, forty-four years; State forty-four years; naturalized, yes; date of papers, Sept. 30, 1856; court, com. pleas; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks, —.

Residence, 85 Marion St., room No. — 1st floor; address, Woods, Joseph; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, eight months, assembly district eight months; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, —; qualified voter, yes;
427 date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 88 Marion St., room No. — 2nd floor; address, Arezza, Peter; sworn, yes; nativity, Italy; color, W.; term of residence, election district, six months, assembly district, six months, county fourteen years, State fourteen years; naturalized, yes; date of papers, September, 26 1880; court, com. pleas; qualified voter, yes; date of application, October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks, —.

Residence, 88 Marion St., room No. — 2d floor; address, Amert, Phillip, sworn, yes; nativity, Italy; color, W.; term of residence, election district, six months, assembly district, six months; county fifteen years; State fifteen years; naturalized, yes; date of papers, October 20, 1880; court, superior; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 88 Marion St., room No. 104; address, Grovanni, Lorenzo; sworn; yes, nativity Italy; color, W.; term of residence, election district, six months; assembly district six months; county, nine years; State nine years; naturalized, yes; date of papers, October 16, 1884; court, com. pleas; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, challenged, —; remarks, —.

Residence, 257 Mulberry St., room No. — 3d floor; address, Higgins, Thomas; sworn, yes; color, W.; term of residence, elec-
428 tion district three years; assembly district, twenty-eight years; county twenty eight; State twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 261 Mulberry St., room No. — house, address, Moore,

Hugh,; sworn, yes, nativity, Ireland; color, W.; term of residence, election district, fifteen years; assembly district fifteen years; county fifteen years; State fifteen years; naturalized yes; date of papers, October 25, 1866; court, com. pleas; qualified voter, yes; date of application October 6; why disqualified, —; voted November, —; challenged, —; remarks, —.

Residence, 261 Mulberry St., room No. — address, Herman, Jean C. F.; sworn, yes; nativity, Germany, color, W.; term of residence, election district four years, assembly district four years; county twenty-two years; State — years; naturalized, yes; date of papers, Aug. 22, 1867; court, com. pleas; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted, November, yes; challenged, —; remarks, —.

Residence 263 Mulberry St, room No. — house, address, James S. Kelley; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application October 6th; why
429 disqualified, — date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 263 Mulberry St., room No. — house, address, Doulin, George S.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, *district* two years—assembly district two years—county two years; State two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 267 Mulberry St., room No. — house, address, Maggio, Soseppe; sworn, yes; nativity, Italy; color, W.; term of residence, election district four months; assembly district four months, county and State twenty years; naturalized, yes; date of papers, October 18, 1877; court, superior; qualified voter, yes; date of application, October 14th; why disqualified —; date of erasing name, —; voted November yes; challenged, —; remarks, —.

Residence, 267 Mulberry St., room No. — top floor; address; Hoffman, Henry; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district; 1 yr.; assembly district one year; county three years; State, three years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 269 Mulberry St, room No. — base.; address, Lauritano, Vincenzo; sworn, yes; nativity, Italy; color, W.; term
430 of residence, election district two months; assembly district, two months; county eight years; State eight years; naturalized, yes; date of papers, October 21, 1885; court, superior; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 2nd floor address, McDonald, James; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district six years; assembly district, six years; county ten years, State, ten year; naturalized, native; date of papers, —; court, —; qualified voter yes; date of application October 14th, why disqualified, —; dated of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 3d floor address, Gimbel, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years, assembly district two years, county twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November yes; challenged, yes; remarks, —.

Residence, 275 Mulberry St., room No. — top floor; address, Peters, Alfred; sworn, yes; nativity, Germany; color, W.; term of residence, election district eighteen years; county eighteen years; naturalized, yes; date of papers, September 14, 1872; court superior; qualified voter, yes; date of application October 23d;
431 why disqualified, —; date of erasing name, —; 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 227 Mercer St. room — top floor; address, Carter, James; sworn, yes; nativity, Va.; color, col.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer St., room No. — top floor; address, Rappo, Antonio; sworn, yes; nativity, Italy; color, W.; term of residence, election district, twenty years; assembly district, ten years; county, twenty years; State, twenty years; naturalized, yes; date of papers, January 14th, 1879; court, com. pleas; qualified voter, yes; date of application, October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer St., room No. — 1st floor; address, Deferrevei, Joh., sworn, yes; nativity, Italy; color, W.; term of residence, election district, five years; assembly district five years; county, five years; State, five years; naturalized, yes; date of papers Sept. 22, 1884; court, com. pleas; qualified voter, yes; date of application, October 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer St., room No. —, 2nd floor; address,
432 Jennings, R. Benjamin; sworn, yes; nativity, Md.; color, W.; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 26, 1888; why disqualified, —; date of

erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer St. room No. — top; address, Scrimiaglio, Christfaro; sworn, yes; nativity, Italy; color, W.; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, yes —; date of papers, Oct. 24, '88; court, U. S. district; qualified voter, yes; date of application Oct. 26, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer St., room No. — 2d floor; address, Guglielmo, Tomasalo; sworn, yes; nativity, —; color, W.; term of residence, election district, two months; assembly district, two months; county, five years; State five years; naturalized, yes; date of papers Feb. 8, 1887; court, com. pleas; qualified voter, yes; date of application Oct. 27, 1888; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —;

Residence, 241 Mercer St., room No. — house; address, Nicholis, Anthony; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, eight years; assembly district eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October
433 9, 188–; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 241 Mercer St., room No. — house; address, Miller, V. Pjeury; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 251 Mercer St. room No. — top floor; address, Clyborn, James P.; sworn, yes; nativity, S. C.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; remarks, —.

Residence, 251 Mercer St., room No. — house; address; Funai, C. Antonio; sworn, yes; nativity, Italy; color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State five years; naturalized, yes; date of papers, Oct. 24t-, 1873; court, com. pleas; qualified voter, yes; date of application October, 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 260½ Mercer St.; room No. — store; address,
434 Vogt, August; sworn, yes; nativity, Germany; color, W.; term of residence, election district, five years; assembly district five years; county, five years; State, five years; naturalized, yes; date of papers, December 2, 1886; court com. pleas; qualified voter,

yes; date of application Oct. 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 188 Greene St.; room No. — 1st —; address, Koehl, John; sworn, yes; nativity, Switzerland; color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, June 6th, 1876; court, com. pleas; qualified voter, yes; date of application Oct. 7, 1888; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 188 Greene St., room No. — 2nd —; address, Carty, Patrick, sworn, yes; nativity, Ireland; color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, May 4, 1858; court, com. pleas; qualified voter, yes; date of application October 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194 Greene St., room No. — store; address, Martin, Lewis; sworn, yes; nativity, France, color, W.; term of residence, election district two years; assembly district two years;
435 county, two years; State, two years; naturalized, yes; date of papers, Oct. 17, '82; court, superior; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194½ Greene St., room No. — 2d — back; address, Stewart, William A.; sworn, yes; nativity, N. C.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194 Green- St. room No. — top; address; Bowmont, Lewis; sworn, yes; nativity, Ills.; color, col.; term of residence, election district, four months; assembly district, four months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, 1888; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence 149½ Greene St., room No. — 1st —; address, Cooper, James, sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

436 Residence, 194½ Greene St., room No. — top; address, White, Dennis; sworn, yes; nativity, Penn.; color, col.; term of residence, election district, two months; assembly district, two months; county, ten years; State, ten years; naturalized, —;

date of papers, —; court, —; qualified voter, yes; date of application October 17, '88; *qualified voter, yes;* why disqualified, —; date of erasing name, —; voted November, yes; challenged, yes; remarks, —.

Residence, 194½; room No. — 2d — back; address, Miller, William; sworn, yes; nativity, Penn.; color, col.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194½; room No. — top; address, Craney, M. James; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 200½ Greene St.; room No. — top floor; address, Jasper, F. Stephen; sworn, yes; nativity, Va.; color, col.; term of residence, election district, ten years; assembly district, ten
437 years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 200½ Greene St.; room No. — 1st floor; address, Holcomb, R. Aaron; sworn, yes; nativity, Penn.; color, col.; term of residence, election district five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

— 200½ Greene, room No. — top floor; address, Salters, Benjamin; sworn, yes; nativity, N. Y.; color, col.; term of residence, election district, one year, assembly district, one year; county one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 208 Greene St.; room No. — 1st floor; address, Flick, William; sworn, yes; nativity, Germany; color, W.; — 1 mo.; assembly district one mo.; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 8, '88; court, superior; qualified voter, yes; date of application October 17, '88; why disqualified, —; date of erasing name, —; voted November, yes;
438 challenged, —; remarks, —.

Residence, 208 Greene St., room No. — 1st —; address, Zeigler, Christian; sworn, yes; — Germany; color, W.; term of residence, election district, six years; assembly district, six years;

county, six years; State, six years; naturalized, yes; date of papers, Oct. 7, '72; court, superior; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 208 Greene St., room No. — 1st —; address, Foerster, Henry; sworn, yes; nativity, Germany; color, W.; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, Oct. 18, '83; court, superior; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 200½ Greene St.; room No. — 1st —; address, Holcomb, A. Joseph; sworn, yes; nativity, N. Y.; color, col.; residence term, election district five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 200½ Greene St., room No. — 2nd floor; address, Pallazi, Francisco; sworn, yes; nativity, Italy; color, W.; term of residence, election district, two years; assembly district, two
439 years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 15, 1885; court, superior; qualified voter, yes; date of application Oct. 26th, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, Bl*ecker St. room No. — house; address, Frey, Simon; sworn, yes; nativity, Austria; color, W.; term of residence, election district, five years; assembly district, five years, county five years; State, five years; naturalized, yes; date of papers, Oct. 17, '82; court, com. pleas; qualified voter yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 81 Bleecker St.; room No. — house; address, Green, Morris; sworn, yes; nativity, Austria; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 1, '86; court, com. pleas; qualified voter, yes; date of application, Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 87 Bleecker St., room No. — house; address, Kallman, Jacob; sworn, yes; nativity, Germany; color, W.; term of residence, election district eighteen years; assembly district, eighteen years; county, eighteen years; State, eighteen years; naturalized, yes; date of papers, Sept. 23, '56; court, U. S. district; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged,
440 —; remarks, —.

Residence, 87 Bleecker St., room No. —, house; address,

Singleton, Patrick, sworn, yes; nativity, Ireland; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Oct. 23, '66; court, U. S. circuit; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 208 Greene St. room No. —, 2nd floor; address, Toliver, John; sworn, yes; nativity, Va.; color, col.; term of residence, election district. six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 93 Bleecker St., room No. —, house; address, Berrey, W. George; sworn, yes; nativity, English; color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized yes; date of papers, —; court, com. pleas; qualified voter, yes; date of application Oct. 26th, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 105 Bleecker St., room No. —, house; address, Ryan, Thomas; sworn, yes; nativity, Ireland; color, W.; term of
441 residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers Oct. 27, '67; court, superior; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 4 West 3d, room No. —, house, address, Sagui, Samuel; sworn, yes; nativity, English; color, W.; term of residence, election district five years; assembly district, five years, county, five years; State, five years; naturalized, yes; date of papers, July 8, '86; court, com. pleas; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

6*d* West 3d St., room No. —, house; address, Cohen, Henry; sworn; yes; nativity, Russia; color, W.; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers; Oct. 23, '83; court, com. pleas; qualified voter yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 6 West 3d St. room No. —, house; address, Wolf Henry; sworn, yes; nativity, England; color, W.; term of residence election district, one year; assembly district one year; county, one year; State, one year; naturalized, yes; date of application, Oct. 4, '80; court, superior; qualified voter, yes; date of application
442 Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 6 West 3d St., room No. — house; address, Worden, J. John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 6 West 3d St., room No. — house, address, Neimister, Henry; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one years; county, one year; State one year; naturalized, —; date of papers, —; qualified voter, —; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence 6 West 3d St. room No. —, house; address, Lamert, H. Ernest; sworn, yes; nativity, Germany; color, W.; term of residence, election district ten years; assembly district ten years; county, ten years; State, ten years; naturalized, yes; date of papers, Oct. 22, '84; court, common pleas; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks. —.

Residence, 8 West 3d St., room No. — house; address, Petit, Ernest; sworn, yes; nativity, France; color, W.; term of
443 residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, yes; date of papers, Oct. 13, '87; court, com. pleas; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 10 West 3d St.; room No. — house; address, Bailly, Alphonsi; sworn, yes; nativity, France; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 22, '88; court, com. pleas; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 West 3d St., room No. —, 1st —; address, Rohr, Thomas; sworn, yes; nativity, Germany; color, W.; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, yes; date of papers Oct. 14, '84; court, superior; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 West 3d St., room No. —, 1st —; address, Gerdes, Herman; sworn, yes; nativity, Germany, color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, yes; date of papers, Oct. 9, '79; court, superior, qualified voter —; date

444 of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —, remarks, —.

Residence, 12 W. 3d St., room No. — 3d floor; address, Linton, W. Frederick; sworn, yes; nativity, Ga.; — col.; term of residence, election district, ten months; assembly district ten months, county four years; State, four years; naturalized, —; date of papers, —*p*; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 W. 3d St., room No. — 3rd —; address, Strange, David; sworn, yes; nativity, Va.; color, col.; term of residence, election district six months; assembly district, six months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West 3d; room No. — 2nd —; address, Gillence, Joseph, sworn yes; nativity, S. C.; color, col.; term of residence, election district six months; assembly district, six months; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, — remarks, —.

Residence, 12 West 3d; room No. — 1st —; address, Pat-
445 terson, Charles, sworn, yes; nativity, Va.; color, col.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West 3d; room No. — 3rd —; address, Smith, J. Andrew; sworn, yes; nativity, Va.; color, col'd; term of residence, election district, three years; assembly district three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 W. 3rd room No. — 3rd —; address, Davis, George D.; sworn, yes; nativity, Va.; color, col'd; term of residence, election district, one month, assembly district one months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West 3d; room No. — 3rd —; address, Smallwood, Marcella; nativity, D. C.; color, col.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified

voter, yes; date of application Oct. 9, '88; why disquali-
446 fied —; date of erasing name,—; voted November, yes;
challenged, —; remarks, —.

Residence, 12 West 3d; room No. — 2d —; Williams, J. John; sworn, yes; nativity, N. C.; color, col.; term of residence, election district, three months; assembly district, three months; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West 3d; room No. — 2d —; address, Green, Thaddins; sworn, yes; nativity, Va., color, col.; term of residence, election district one month; assembly district one month; county, five years; State, five years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 12 West 3d; room No. — 2d —; address, Scruggs George; sworn, yes; nativity, Va.; color, col.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West 3d; room No. — 2nd —; address, Epps, Henry; sworn, yes; nativity, Va.; color, col.; term of residence, election district, one year; assembly district, one year; county, one year;
447 State, one year; naturalized, —; date of papers, —; court —; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West 3d; room — 2nd —; address, Prince, E. George; sworn, yes; nativity, Ga.; color, col.; term of residence, election district three months; assembly district, three months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West 3d; room No. — top floor; McGowan, J. John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name —, voted November, yes; challenged, —; remarks, —.

Residence, 14 West 3d; room No. — house; address, Oberender, John; sworn, yes; nativity, Germany; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, *naturalized*, yes; date of papers

Feb. 6, '60; court, com. pleas; qualified voter, yes; date of
448 application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 14 West 3d; room No. — 2nd —; address, Aloncle, A. George; sworn, yes; nativity, France; color, white; term of residence, election district, *election district*, two years; assembly district two years; county, two years; State, two years; naturalized, date of papers, Oct. 6, '80; court, superior; qualified voter, yes; date of application, Oct. 17, '88; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West 3d; room No. 4; address; Ludwig, S. Frederick, sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, yes; date of papers, Oct. 16, '68; qualified voter, yes; date of application Oct. *Oct.* 17, '88; why disqualified, —; date of erasing name, —; challenged, — remarks, —.

Residence, 14 West 3d, room No. — top; address, Aloncle, Julian; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; ct. —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 14 West 3d, room No. — McGurn, Edward; sworn,
449 yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West 3d; room No. — top; address, Kelley, William, sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month; assembly district thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 27, '88; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 15 West 3d —.

Residence, 16 West 3d; room No. — base.; address, Kumpa, L. Albert; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Oct. 21, '84; court, superior; qualified voter, yes; date of application Oct. 4, '88; why disqualified, —; date of erasing name —, voted November, yes; challenged, —; remarks, —.

Residence, 16 West Third; room No. — base.: address, Kumpa, John; sworn, yes; color, white; term of residence, election district

fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, Oct. 16,
450 '70; com. pleas; qualified voter, yes; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 16 West 3d; room No. — 2nd —; —; Siffert, Henry; sworn, yes; nativity, N. Y.; color, W.; term, of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of paper, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 16 West 3d; room No. — 3rd —, address, Burvant, Lewis; sworn, yes; nativity, N. Y.; term of residence, election district one year; assembly district, one year; county, one year; naturalized, —; date of papers, —; court, —; qualified voter yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 17 West 3d, room No. — 3rd —; address, Jomer, Leopold; sworn yes; nativity, Germany, color; white, term of residence, election district, eight years; assembly district eight years; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 24, '84; court, U. S. district; qualified voter, yes; date of application, Oct. 9, '88; why disqualified —; date of erasing name, —; voted November, yes; challanged, —; remarks, —.

Residence, 17 West 3d, room No. — store; address, Pelisser, Antonio; sworn, yes; nativity, France, color, W.; term of residence, election district four years; assembly district, four years; State four years; naturalized, yes; date of papers, Oct. 19, '86; court,
451 superior; qualified voters, yes; date of application Oct. 26, '88; why disqualified, — date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West 3d, room No. — 2nd —; address, Reddington, F. Joseph; sworn, yes; nativity, N. Y. color, white; term of residence, election — four years; assembly district, four years; county, four years; State, four years; naturalized, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 18 West 3d, room No. — 3rd —; address, Demerlay, Dominique; sworn, yes; nativity, France, color, white; term of residence, election district, one year; assembly district one year; county, one year; State one year; naturalized, yes; date of papers, May, 26, '79; court, com. pleas; qualified voter, yes; date as application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 18 West 3d, room No. — 1st —; address, Phillipot, Peter; sworn, yes; nativity, France; color, W.; term of residence, election district, two years; assembly district, two years; county, two years;

State, two years; naturalized, yes; date of papers, April 28, '79; court, com. pleas; qualified voter, yes; date of application Oct. 17. '88; why disqualified, —; date of erasing name, —; voted, November, yes; challenged, —; remarks, —.

Residence, 19 West 3d, room No. — house, address, voted
452 November, yes; challenged; —; remarks, —.

Residence, 275 Mulberry St., room No. — 2d floor; address, Stick, Frederick; sworn, yes; nativity, Germany; color, W.; term of residence, election district eighteen years; assembly district eighteen years; county, eighteen years; State eighteen years; naturalized, yes; date of papers, September 14, 1872; court, superior; qualified, voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks —.

Residence, 275 Mulberry St., room No. — 1st floor; address, Sink, Andrew; sworn, yes; nativity, W.; term of residence, election district, six months, assembly district, one years; county twenty-one years; State, twenty-one years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application, October 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St.; room No. — 2d floor; address, Morgan, Joseph, sworn, yes; nativity, N. Y.; color, W.; term of residence, election district six years; assembly district six years; county forty eight years; State forty-eight years; naturalized, native; date of papers, —; court, —; qualified voter yes; date of application October 23d; why disqualified,—; date of erasing name,—; voted November, yes; challenged, State, —.

Residence, 275 Mulberry St. room No. — 5th floor; ad-
453 dress, Coleman, Thomas P.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, five months; assembly district five months; county, thirty-nine years; State thirty nine years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application October 23 why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St., 2d floor, address, Peaht, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years; assembly district, two years; county twenty seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24 *the*; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 3d floor, address, McCluskey, John; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, thirty years; assembly —, thirty years; State, thirty years; naturalized, yes; date of papers, September 23, 1853, court, King's county; qualified voter, yes; date of applica-

tion, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — 2d floor; address, Kelley, Arthur; sworn, yes; — Ireland, color, W.; term of residence, election district, thirty years, assembly district thirty years; county thirty years; State, thirty years, naturalized, yes; date of
454 papers, November 19, 1857; court, superior; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; challenged, —; remarks, —.

Residence, 277 Mulberry St. room No. — 1st floor, address, Kelley, John; sworn, yes; nativity, Ireland; color, W.; term of residence, election district seven years; assembly, district, seven years; county thirty-eight years; State, thirty-eight years; naturalized, yes; date of papers, October 8th, 1857; court, superior; qualified voter, yes; date of application, October 23d; why disqualified, date of erasing name; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — 4th floor; address, Pait, Julius; sworn, yes; nativity, Switzerland; color, W.; term of residence, election district five years; assembly district, five years, county ten years, State ten years; naturalized, yes; date of papers; October 16th, 1884; court com. pleas; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry St. room No. — 1st floor; address, Macklin, Walter J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district twenty-three years; assembly district twenty-three years; county, twenty-three years; State twenty three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —;
455 date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry St. room No. — 2nd floor; address, Macklin, Thomas H.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district twenty-six years; assembly district twenty-six years; county, twenty-six years; State twenty-six years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry St., Macklin, Arthur G.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, twenty-one years, assembly — twenty-one years; county, twenty-one years; State twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry St., room No. — 1st floor, address, Macklin, Francis,; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, fifty years; assembly district fifty years;

county fifty years; State, fifty years; naturalized, native,; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry St. 2d floor, Macklin, Peter
456 C.; sworn, yes, nativity, N. Y.; color, W.; term of residence, twenty-eight years; assembly district, twenty-eight years; county twenty-eight years; State, twenty-eight, years; naturalized native; date of papers, —; court, —; qualified voter, yes; date of application October 23d, why disqualified, —; date of erasing name, —; voted November, yes —; challenged, —; remarks, —.

Residence 281 Mulberry St., room No. 4 C. rear; address, Moran, Thomas; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district forty one years; assembly district forty one years; county, forty-one years; State, forty one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry St., room No. — rear 2d fl., address, McGinnis, Sr. Hugh; sworn, yes; nativity, Ireland; color, W.; term of residence, election district twenty years—assembly district twenty years, county twenty years; State twenty years; naturalized, yes; date of apapers, October 24, 1880; — com. pleas; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry St., room No. — 3d floor; Brennan, William; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district eight months, assembly district six
457 years; county six years, State, six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry St. room No. — 3d floor; address, Banker, John D.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district four months; assembly district four months; county ten years; State ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified —; date of erasing name, —; voted November, —.

Residence, 281 Mulberry St., room No. — 3d floor; address, Banker, John D.; sworn, yes; nativity N. Y.; color, W.; term of residence, election district, four months; assembly district four months; county ten years, State ten years; naturalized, native; date of papers, —; court, —; qualified voter yes, date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry St.; room No. — top floor; address, Foley, Peter; sworn, yes; nativity, N. Y.; color, W.; terms of resi-

dence, election district, eleven months; assembly district eleven months; county ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; voted November, yes;
458 challenged, —; remarks, —.

Residence, 281 Mulberry St; room No. — top floor; address, Blake, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years; assembly district, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry St., room No. — 2d floor; address, Boyle, Thomas; sworn, yes; nativity, Ireland; color, W.; term of residence, election district sixteen years, assembly district sixteen years, county sixteen years, State, sixteen years; naturalized, yes; date of papers, October 24, 1879; court, superior; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 42 Crosby St; room No. — 2d floor; address, Brutsch, Fred; sworn, yes; nativity, Germany; color W.; term of residence, election district, five weeks, assembly district five weeks, county, fifteen years; State, fifteen years; naturalized, yes; date of papers, October 17, 1879; court, superior; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 2d floor, address, Colbert, Michael; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district twenty months, assembly district, thirty years; county, thirty; State, thirty years; naturalized, native; date
459 of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby, St.; room No. — 2d floor; address, Smart, Daniel; sworn, yes; nativity, N. Y.; color W.; term of residence, election district six months, assembly district twenty-five years, county twenty-five years, State twenty-five years, naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 2d floor; address, Walsh, Thomas; sworn, yes; nativity, Ireland; color, W.; term of residence, election district four years; assembly district four years, county, sixteen years; State, sixteen years; naturalized, yes; date of papers, October 20 1884; court, superior; qualified voter, yes; date of application, October 24th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 2d floor; address, Welch, James; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, four years, assembly district, four ye county, four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

460 Residence, 113 Crosby St., room No. — house; address, Hall, Wardrop J.; sworn, yes; nativity, Md; color, W.; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty eight years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 113 Crosby St.; room No. — house; address, Granby, James N.; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, twenty years, assembly district, twenty years, county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; dateof application, October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby St.; room No. — house; address, Schultz, Henry; sworn, yes; nativity, Germany; color, W.; term of residence, election district, twenty-eight years; assembly district, twenty eight years; county, twenty-eight years; State, twenty-eight years; naturalized, yes; date of papers, September 12, 1865; court, com. pleas; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby St.; room No. —3d floor; address, Welch, William; sworn, yes; nativity, Germany; color, W.; term of residence, elevtion district one year; assembly district one year;

461 county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 115 Crosby St., room No. — 3d floor; address, Myer Lewis, F. W.; sworn, yes; nativity, Germany; color, W.; term of residence, election district, one year; assembly district one year, county eight years; State, eight years; naturalized, yes; date of papers, October 2d, 1876; court com. pleas; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged,—; remarks, —.

Residence 115 Crosby St., room No. — 3d floor; address O'Keefe, Patrick; sworn, yes, nativity, Ireland; color W.; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, yes; date of papers, October 23d, 1885; court, com. pleas; qualified voter, yes;

date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby St., room No. — 2d floor; address, McKenna, James; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, four months, assembly district, fifteen years; county fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name,
462 —; voted November, yes; challenged, —; remarks,—.

Residence, 117 Crosby St.; room No. — 2nd floor; address, Gamble, William,; sworn, yes; nativity, N. Y.; color W.; term of residence, election district, five months; assembly district, fifteen years; county, fifteen years; State fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name,—; voted November, yes; challenged —; remarks, —.

Residence 117 Crosby St., room No. — 2d floor; address, O'Rourke, Henry; sworn, yes; nativity, Cal.; color, W.; term of residence, election district, four years; assembly district four years; county, four years; State, four years; naturalized, native; date of papers,—; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby St.; room No. — 2d floor; address, Megnault, Eusche; sworn, yes; nativity, Ver.; color, W.; term of residence, election district, one year; assembly district, one year; county twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence, 117 Crosby; room No. — 3d floor; address, Smith, Laurey W.; sworn, yes; nativity, Conn.; color, W.; term of
463 residence, election district, two years; assembly district, two years; county ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 14th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby St., room No.— 2d floor; address, De Vaney, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district six months, assembly district, six months; county, twenty seven years; State, twenty-seven years; naturalized, native, date of papers, —; court —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby St., room No.— 2d floor; address, Boland, James J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, four months, assembly district, four months; county twenty-five years; State, twenty-five years; naturalized native; date of papers, —; court, —; qualified voter, yes; date of

application, October 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby St.; room No. — top floor; address, McCaffery, Charles; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, one year; assembly district, twenty-years, county, twenty years; State, twenty years; naturalized, yes; date of papers, October 26th, 1883; court, com. pleas; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes challenged —; remarks, —.

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Residence, 117 Crosby St., room No. — 2d floor; address, Green John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, four months, assembly district four months; county two years; State, two years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby St.; room No. — house; address Salisbury, Hiland; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, ten months; assembly district twen- months; county one year- State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted Novemember, yes; challenged, —; remarks.

Residence, 119 Crosby St., room No. — house; address, Flannigan, Edward; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, twenty years; assembly district, twenty years, county 20 State, twenty years, naturalized, yes; date of papers, October 27, 1858; court, com. pleas; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 119 Crosby St., room No. — 2d floor; address, Delwey, Joseph F.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, five years, assembly district, five years; county, five years, State five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence 119 Crosby St., room No. — 3d floor; address, Harley, John J.; sworn, yes; nativity. Ireland; color, W.; term of residence, election district five years; assembly district, five years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, September 22, 1868; court, com. pleas; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing blank —; voted November, yes; challenged, —; remarks, —.

Residence, 123, Crosby St., No. — house; address, Cardano, Antonie; sworn, yes, nativity, Italy; color, W.; term of residence, election district, one year; assembly district, one year, county, thirteen years; State thirteen years; naturalized, yes; date of papers, Octo-

ber 22d, 1878; court, U. S. district; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 121 Crosby St.; room No. — top floor; address Jordan, Peter, sworn, yes; nativity, Germany; color W.; term of residence, election district, thirteen years; assembly district, thirteen years; county sixteen years; State sixteen years; naturalized, yes; date of papers, October 25, 1878; court, com. pleas; qualified voter, yes; date of application, October 14th; why disqualified, —; date
466 of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 121, Crosby St., room No. — 2d floor; address, Birmingham, John; sworn, yes; nativity, Ireland; color, W.; term of residence, election district seventeen years; assembly district thirty years; county thirty years; State thirty years; naturalized, yes; date of papers, September, 1860; court, com. pleas; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 121 Crosby St.; room No. — house; address, Casey, William; sworn, yes, nativity, Ireland; color, W.; term of residence, election district, thirty years; assembly district, thirty years; county thirty years; State thirty years, naturalized, yes date of papers, April 15th, 1855; court, com. pleas; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 126 Crosby St., room No. — house; address, Sircher, Jacob; sworn, yes, nativity, Germany; color W.; term of residence, election district, one year; assembly district, one year; county, thirty years, State thirty years; naturalized, yes; date of papers, October 13, 1866; court, com. pleas; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — rear 3d; floor; address, Marshall, Augustus; sworn, yes; nativity, N. Y.; color, W.;
467 term of residence, election district, two months; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —, court, —; qualified voter, yes; date of application, October 6th,; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence, 135 Crosby St., room No. 6 rear; address, Love, Thomas R; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district six weeks, assembly district, six weeks, county twelve years, State twelve years; naturalized native; date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence, 135 Crosby St. room No. — top floor; rear; address,

McDonald, Francis; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district three years; assembly district three years; county, three years; State three years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application October 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — 2d floor; address, McDonald, John; sworn, yes; nativity, Mass.; color, W.; term of residence, election district, four months; assembly district, four months; county fifteen months; State, thirteen months, naturalized, native; date of papers, —; court, —; qualified voter, yes; date of applica-
468 tion October 23; why disqualified —; date of erasing name, —; voted November, yes; challenged, yes; remarks, —.

Remarks, 135, Crosby St., room No. — 2d floor; address, Reenan, John J.; sworn, yes, nativity, Ireland; color, W.; term of residence, election district, six months; assembly district, six months; county, nineteen years; State, nineteen years; naturalized, yes; date of papers October 18, 1884; court, U. S. district; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 138 Crosby St., room No. — 2d floor; address, Hayes, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, eight years; assembly district twenty-five years, county, twenty five years; State twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby St., room No. — 4th floor; address, Lansay, Joseph A., sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, nine years; assembly district, twenty four years; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 138, Crosby St., room No. — 4th floor; address
469 O'Reilley, Michael, Jr.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, twenty-three years; assembly district twenty-three years, county twenty-three years, State twenty-three years, naturalized, native,; date of papers, —; court, —; qualified voter yes; date ofapplication, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 138 Crosby St., room No. — 4th floor; address, O'Reilley Sr. Michael; sworn, yes, nativity Ireland; color, W.; term of residence, election district thirty-six years; assembly district thirty-six years, county thirty-six years; State thirty-six years; naturalized, yes; date of papers, October 25th, 1860; court, com. pleas; qualified voter, yes; date of application, October 6th,; why disqualified, —;

date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. — 5th floor, address, Davidson, Emmolt; sworn, yes, nativity, Penn.: color, W.; term of residence election district, fifteen months; assembly district, fifteen months; county fifteen years, State, fifteen years; naturalized, native,; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby St., room No. — 2d floor, address, Powers, William; sworn, yes; nativity, England; color, W.; term of residence, election district, two months; assembly district, eight
470 years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, October 2, 1883; court, superior; qualified voter, yes, date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140; Crosby St., room No. — 3d floor, address, Bennett, William; sworn, yes, nativity, N. Y.; color, W. term of residence, election district, three years; assembly district, three years; county three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, —; date of application —; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. —, 2d floor, address, Lynch, Lawrence B.; sworn, yes, nativity, Ireland; color, W.; term of residence, election district five years; assembly district five years, county five years; State five years; naturalized, yes, date of papers, October 24th, 1856; court, com. pleas; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged,—; remarks, —.

Residence, 140 Crosby St.; room No. — 3d floor, address Bennett, Thomas; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district twenty-three years; assembly district twenty-three years; — naturalized, native; date of papers, —; court —; qualified voter, yes; date of application October 6th; why
471 disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence 140 Crosby St.; room No. — 2d floor, address, Daly, Michael L.; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, one month, assembly district, one month, county twenty-five years; State twenty-five years; naturalized, yes; date of papers, October 18th, 1865; court, com. pleas; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. — 5th floor; Riley, Thomas; sworn, yes; nativity, Ireland, color, W.; term of residence, election district, *election district*, one year; assembly district, one year; county,

twenty years; State twenty years, naturalized, yes; date of papers, October 22, 1880; court, com. pleas; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby St.; room No. — 3d floor; address Bennett, Patrick, sworn, yes; nativity, Ireland; color W.; term of residence, election district, thirty-three years; assembly district thirty-three years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, July 26th, 1864; court, com. pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 East Houston St., room No. — third floor; address,
Pain, John; sworn, yes; nativity, Spain; color, W.; term of
472 residence, election district, two years, assembly district, two
years, county, two years; State twenty years; naturalized, yes; date of papers, October 14th, 1868; court, Kings county, *court;* qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence 15 E. Houston St.; room No. — west base.; address, Seppenfeldt, Willeair; sworn, yes; nativity, Germany; color, W.; term of residence, election district five years; assembly district, five years; county, five years; State five years; naturalized, yes; date of papers, April 3d, 1865; court, superior; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 19 E. Houston St. room No. — third floor; address, Bernard, George M.; sworn, yes; nativity, S. C.; color, W.; term of residence, election district five years; assembly district, five years; county, five years; State five years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 E. Houston St., room No. — 4th floor; address, Williams, David; sworn, yes; nativity, Wales; color, W.; term of residence, election district, six months, assembly district, six
months; county, twenty-two years; State, twenty-two years;
473 naturalized, yes; date of papers, October 8th, 1872; court,
Kings County court; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 E. Houston St. room No. — 2d floor, address, Graves, Charles; sworn, yes; nativity, N. J.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 E. Houston St. room No. — 2d floor; address, Randolph, Samuel E.; sworn, yes; nativity, N. J.; color, W.; term of residence, election district five years; assembly district five years; county five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 27 E. Houston St.; room No. — 3d floor; address, Dwyar John C.; sworn, yes; nativity, Ireland; term of *election* election district, twenty-two years; assembly district twenty-two years; county twenty-two years; State twenty-two years; naturalized, yes; date of papers October 14, 1872; court, com. pleas;
474 qualified voter, yes; date of application, October 23d why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 27 E. Houston St. room No. — 1st floor; address Doctorman, Paul; sworn, yes; nativity, Germany; color W; term of residence, election district eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, October 23d 1876; court, superior; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 27 E. Houston St. room No. — 1st floor address, Hirnier, Anton; sworn, yes; nativity, Germany; color, W.; term of residence, election district, one year, assembly district, one year; county, seven years; State, nine years, *nine years;* naturalized, yes; date of papers, October 22, 1884, court, superior, qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 27 E. Houston St. room No. — 3d floor; address; Dwyer, John Jr: sworn, yes; nativity, Ireland; color W.; term of residence, election district, sixteen years; assembly district, sixteen years, county, sixteen years; State, sixteen years; naturalized, yes; date of papers, October 14th 1872; court, com. pleas; qualified voter, yes; date of application, October 24th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 29 E. Houston St., room No. — 1st floor; address,
475 Vogel, Hasper; sworn, yes; nativity, Germany; color, W.; term of residence, election district, one year; assembly district one year, county thirty years; State, thirty years; naturalized, yes; date of papers September 17, 1868; court, com. pleas; qualified voter yes; date of application, October 23d; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 29 E. Houston St. room No. — 1st floor; address, Heinecke, Edmund W.; sworn, yes; nativity, Germany; color, W.; term of residence, election district, eight years; assembly district, eight years, county, twenty-eight years; State, twenty-eight years; naturalized, yes; date of papers, October 20, 1866; court, com. pleas; qualified voter, yes; date of application October 23d; why disqualified

—; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 29 E. Houston St. room No. — 2d floor; address, Carle, John J.; sworn, yes; nativity, Germany; color, W.; term of residence, election district one month; assembly district, one month; county thirty one years; State thirty one years; naturalized; date of papers, October 2, 1860; court, superior; qualified voter, yes; date of application, October 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 4 Jersey St. room No. — 2d floor; address Keliher, Patrick; sworn, yes; nativity, Ireland; color W.; term of residence, election district, twelve years; assembly district twelve years, county, twelve years, State, twelve years; naturalized, yes; date of
476 papers, October 15, 1880; court, superior, qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 5 Jersey St., room No. — 3d floor; address, Meyer, Raefer George; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county forty-one years; State, forty-one years; naturalized, native; date of papers, —; court, —; qualified, voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 10 Jersey St., room No. — 1st floor; address, Ginrato, Michael; sworn, yes; nativity, Italy; color, W.; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, July 11, 1879; court, com. pleas; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — 3d floor; address, Baden, Aleide; sworn, yes; nativity, France; color, W.; term of residence, election district, ten years; assembly district ten years, county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 18, 1883; court, com. pleas; qualified voter, yes; date of application, Oct. 6, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

477 Residence, 83 Spring St., room No. — 3d floor, address, Smith, John Co.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district twenty-one years, assembly district twenty-one years, county twenty-one years, State twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring St. room No. — 2d floor; address, Borel Daniel; sworn, yes; nativity, Germany; color, W.; term of residence, election district three years, assembly district three years; county nineteen years; State, nineteen years; naturalized, yes; date

of papers, October 14, 1879; court, com. pleas; qualified voter, —; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 83 Spring St., room No. — 2d floor; address, Reith, John J., sworn, yes; nativity, Germany; color W.; term of residence, election district three months; assembly district, three months; county four months State thirty-four years; naturalized, yes; date of papers, October 26th, 1860; court, superior; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — base.; address, Egloff, John H.; sworn, yes; nativity, Germany; color, W.; term of
478 residence, election district, eight years; assembly district, eight years; county, thirty years; State, thirty years; naturalized, yes; date of papers, October 14th, 1867; court, com. pleas; qualified voter, yes; date of application October 24th; why disqualified,—; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — 1 fl.; address, Lewis, Andrew; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district six months, assembly district six months; county and State fifty-seven years; naturalized, yes; date of papers, —, court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 65 Prince St., room No. — 2d floor; address, Foersch, Albert W.; sworn, yes; nativity, Pemm.; color, W.; term of residence, election district five months, assembly district five months; county; forty years, State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 14th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 65 Spring St.; room No. — house; address, Clancy Charles W.; sworn, yes, nativity, Ireland; color, W.; term of residence, election district five years; assembly district five years; county forty-four years; State forty-four years, naturalized,
479 yes; date of papers, —; court, —; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, votes through virtue of father's papers.

Residence, 65 Prince St., room No. — 2d floor; address, Looker John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three months; assembly district, three months; county, thirty-six years; State, thirty-six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 67 Prince St., room No. — 1st floor; address, Curren

Thomas J., sworn, yes; nativity, England; color, W.; term of residence, election district, two years; assembly district, two years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, July 18, 1876; court, com. pleas; qualified voter, yes; date of application, October 24th, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, through virtue of father's papers.

Residence, 432 Broome St., room No. — top floor; address, Fuchs, George; sworn, yes; nativity, Germany; color, W.; term of residence, election district, five years; assembly district five years; county, twenty years; State twenty years; naturalized, yes; date of papers, October 18, 1876; court, com. pleas; qualified voter,
480 yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted, November, yes; challenged, —; remarks, —.

Residence, 269 Mulberry St., room No. — 1st fl.; address, Comincio, Salvator; sworn, yes; nativity, Italy; color, W.; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, October 16, 1885; court, com. pleas; qualified voter, yes; date of application October 22d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 269 Mulberry St., room No. — 2d floor; address, Magliamo, Antonio; sworn, yes, nativity, Italy; color, W.; term of residence, election district, seven months; assembly district seven months; county, seven years; State seven years; naturalized, yes; date of papers, October 9, 1884; court, superior; qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 8 Jersey St., room No. — 1st floor; address, Pacco, Palmo; sworn, yes; nativity, Italy; color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, October 17, 1885; court, com. pleas; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks, —.

481 Residence, 8 Jersey St., room — 1st floor; address, Fanella, Prospere, sworn, yes; nativity, Italy, color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers Sept. 26, 1884; court, com. pleas; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 269 Mulberry St., room No. — top fl. address, Magliano, Antonio, sworn, yes; nativity, Italy; color, W.; term of residence, election district, seven months; assembly district, seven months; county, seven years; State, seven years; naturalized, yes; date of papers, October 9th, 1884; court, superior; qualified voter, yes; date of application, October 23d; why disqualified,—; date of eras-

ing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 70 Crosby St., room No. — 1st floor; address, Rizzo, Angilo; sworn, yes; nativity, Italy; color, W.; term of residence, election district, four years; assembly district, four years; county thirteen years; State thirteen years; naturalized, yes; date of papers, April 15, 1878; court, superior, qualified voter, yes; date of application, October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 68 Crosby St., room No. — 2d floor; address, Bruno, Francisco; sworn, yes; nativity, Italy; color, W.; term of
482 residence, election district four years; assembly district, four years; county thirteen years; State, thirteen years; naturalized, yes; date of papers, July 10, 1877; court, superior; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

We the undersigned, inspectors of election in the sixteenth election district of the third assembly district of the city and county of New York, do jointly and severally certify that at the general registration of voters held in the said election district on the 6th and 14th days of October and the 23d and 24th days of October, in the year 1895, there were registered by us as qualified voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is one hundred and fifty.

Dated, New York, October 24, 1885.

JOHN HAYES.
THOMAS H. MACKLIN.
WALTER J. MACKLIN.
WILLIAM H. MANGIN.

483 "EXHIBIT 'B' JOSEPH KELLEY."

I, Charles S. Whitman, notary public, in and for the county of New York and State of New York, certify that the said Joseph Kelley, witness, wrote in my presence the said "Exhibit B" and subscribes his name thereto, and that this "Exhibit B" is the identical "Exhibit B" which said witness made part of his answer to question No. 6 of this his deposition, and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County,
State of New York.

(U. S. internal revenue stamp, —10 cts. Canceled Fen'y 9 1898. C. W.)

484 Public Copy.

Register of Voters of the First —1— Election District of the Seventh —7— Assembly District of the City of New York, 1884.

The board of inspectors must enter in this register the names of all persons registered on each registration date, and have it suspended in the polling place between each registration day and up to the day of election. On election day the chairman shall take charge of the same, and file it and his own copy in the office of the chief of the bureau of elections within twenty-four hours after the completion of the canvass of the votes, in compliance with sections 1861 and 1864 of chapter 410 of the Laws of 1882, cited as the New York city consolidation act.

SECTION 1861. The inspectors of election in each election district, shall on each day of any general registration, before adjour-ing, enter into each of two books prepared for that purpose, one of which shall be known as a "public copy" of the registers, and the other of which shall be known as the "election bureau copy" of the registers, all such names, and residences, and all such data, information and statements, as during the day have been entered by the inspectors of election in the registers provided in this chapter.

SECTION 1864. The "public copy" of the registers they shall, at the close of their proceedings on each day of any general registration, and upon the determination of their proceedings on the last day of any revision of registration, leave suspended in the
485 place where such registration or revision of registration was conducted, where it shall be and remain until the next meeting of the said inspectors, whether such meeting be for the purpose of registration, revision of registration, or election, to the end that the same be inspected and copied by any elector in said city and county. But on the day of any election, the said inspectors shall take possession of said "public copy" and the chairman shall closely retain the same throughout the said day, returning it to the chief of the bureau of election, as provided in this chapter, for the return of the register kept by him, and with said register; and said copy shall be by the said chief of the bureau of election retained and reserved and filed in said bureau.

Election District.

Broadway ..... Pages 1-2-3-4-5-6-7-8
Mercer St ..... " 9-10-11
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7th Assembly District.

West Third St ..... " 19-20-21-22
West Fourth ..... " 23-24-25

487 Register of Voters of the Seventh Assembly District of the City of New York, 1888.

Residence, 665 Broadway, room No. 26, address, McCarthy, Crawford; sworn, yes; nativity, Ky.; color, W.; term of residence, election district, one year; assembly district, one year; county one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th, '88; why disqualified, —; date of erasing name, —; voted November, yes; *why disqualified, —; date of erasing name, —; voted November, yes;* challenged —; remarks, —.

Residence 665 Broadway, room — 10; address, Seymour, Charles A.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district six months, assembly district, six months, county, twenty years; State, twenty years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, Tremont house; room No. 19; address, Reed, G. Isaac; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 26, 1888; why dis-
488 qualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, Tremont house, room No. 17; address, Whitney, M. Samuel; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district four months, assembly district, four months, county, ten years; State, ten years, naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, Tremont house, room No. 14; address, Powers, Lewis; sworn, yes; nativity, England; color, W.; term of residence, dis-

trict six months, assembly district six months; county and State ten years; naturalized, yes; date of papers, mislaid; court, —; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenge-, —; remarks, —.

Residence, Tremont house, room No. 20, address, Parker, G. Elbridge; sworn, yes; nativity, Penn.; color, white; term of residence, election district, four months, assembly district four months, county, five years; State five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, yes; remarks, —.

Residence, 671 Broadway, room No. 634; address, Sweazen, Andrew; sworn, yes; nativity, Ill.; color, W.; term of residence election district, one year; assembly district one year; county, one year; State, one year; naturalized, —; date of papers —;
489 court, —; qualified voter, yes; date of application October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 671 Broadway, room No. 637; address, Hoffer, M. William; sworn, yes; nativity, Penn.; color, white; term of residence, election district, four years, assembly district, four years; county twenty years, State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9, '88; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 621; address, Hedges, R. James; sworn, yes; nativity, Ohio; color, W.; term of residence, election district 8 years assembly district, eight years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter, yes, date of application October 9, '88; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. —; address, Martin, T. Benjamin; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three years; assembly district, three years; county, three years; State three years; naturalized, —; date of papers, —; court —; qualified voter, yes, date of application October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenge, —; remarks —.

490 Residence, 671 Broadway, room No. 844; address, Ballard, Sumner; sworn, yes, nativity, N. Y.; color, white; term of residence, election district, six months, assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room 518; address, Smoot, S. Samuel, sworn, yes; nativity, D. C.; color, W.; term of residence, election

district one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 568; address, Sprage, Charles; sworn, yes; nativity, Ohio; color, W.; term of residence, election district, nine years, assembly district, nine years; county, nine years; State, nine years; naturalized. —, date of papers, —; court, —; *naturalized*, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 619; address, Calir, Henry; sworn, yes; nativity, N. Y. color, W. term of residence, election district, one month, assembly district, one month, county, five years; State, five years; naturalized, —; date of papers, —; court,
491 —; qualified voter, yes; date of application October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 644; address Barnet, Henry W.; sworn, yes; nativity, Conn., color, W.; term of residence, election district, three years; assembly district, three years; county, three years; State three years; naturalized, —; date of papers,—; court, —; qualified voter, yes; date of application October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 428, address, Morgan, T. Bankson; sworn, yes; nativity, Penn.; color, white, term of residence election district, one month, assembly district, thirty years; county, thirty years; State thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenge-, —; remarks —.

Residence, 671 Broadway, room No. 805; address, Hamburger, B. Samuel; sworn, yes; nativity, U. S.; color, W.; term of residence, election district, five years; assembly —, five years; county, five years; State five years; naturalized, —; date of papers, —; *date of papers*, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

492 Residence, 671 Broadway, room No. 763; address, Lowery, G. John; sworn, yes; nativity, Va.; color, W.; term of residence, election district, six years; assembly district, six years; county, six years; State six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 671 Broadway, room No. 409; address, McGowan, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, three years; assembly district, three

years; county, three years; State three years; naturalized, yes; date of papers, Oct. 26, 1860; court, com. pleas; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 528; address, Weed, A. William; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, four years; assembly district four years; county, four years; State, four years, naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 421; address, Jones O. George; sworn, yes; nativity, Ohio, color, white; term of residence, election district one year; assembly district one year; county, forty years; State forty years; naturalized, —; date of papers, —;
493 court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence 671 Broadway, room No. 211, address, Fay, H. Williams; sworn, yes; nativity, Va.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 631; address, Perkins, B. William; sworn, yes; nativity, Me.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, yes; remarks, —.

Residence, 671 Broadway; room No. 643; address, Geissinger, P. James; sworn, yes; nativity, Penn.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9, '88;
494 why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 746; address, Jones, A. William; sworn, yes; nativity, New York; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 334; address, Cummings, B. Albert; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, two

years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 574; address Thompson, O. Ethin Jr.; sworn, yes; nativity, Penn.; color, W.; term of residence, election district seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, address, room No. 545; Wetzel, A. Charles; sworn, yes; nativity, Penn.; color, W.; term of
495 residence, election district, two years; assembly district, two years; county, —; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 880, address, Wilson, C. John; sworn, yes; nativity, Ind.; color, white; term of residence, election district, one year; assembly district one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 532; address, Danziger, Elward; sworn, yes; nativity, La.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 767; address, Davis, Telihu; sworn, yes; nativity, Ind.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court —; qualified voter, yes; date of application —— 17, '88; why disqualified, —; date of erasing name, —; voted November, no;
496 challenged, —; remarks, —.

Residence, 671 Broadway, room No. 802; address, Francise, Joseph H.; sworn, yes; nativity, Ala.; color, white; term of residence, election district five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 848; address, David Kahn; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years;

State five years; naturalized, —; date of papers father's papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified —; date of erasing name —; voted, November, yes; challenged, —; remarks, claim- citizenship by virtue of father's papers.

Residence, 671 Broadway, room No. 346; address, Martenz, Namiel; sworn, yes; nativity, France; color, white; term of residence, election district eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, March 28, 1878; court, superior; qualified voter, yes; date of application October 17, '88; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 518; address, Smooth,
497 B. Albert; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 755; address, Adams, E. Charles; sworn, yes; nativity, Me.; color, white; term of residence, election district four years; assembly district four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 722; address, Robbins. N. Edwin; sworn, yes; nativity, Conn., color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. — base-; address, Mortimer, James; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —;
498 court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 727; address, Curtiss, D. Frank; sworn, yes; nativity, O.; color, white, term of residence, election district, one month; assembly district, one month; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 509; address, Taperwein, William; sworn, yes; nativity, Germany; color, W.; term of residence, election district, five years; assembly district, five years;

county, five years; State, five years; naturalized, yes; date of papers October 24, 1879; court, com. pleas; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 717; address, Nesbitt, H. William, sworn, yes, nativity, N. Y. color, white; term of residence, election district, one month, assembly district, one month; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 16, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 632; address, Stebbins, Samuel; sworn, yes; nativity, Conn.; color, white; term of resi-
499 dence, —; one year; assembly district one year; State, one year; county, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; *yes;* date of application October 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 671 Broadway, room No. 886; address, Kennedy, Matthew; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months, assembly district, three months; county, six months, State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 26, 1888; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence 671 Broadway, room No. 542; address, Nash M. Job; sworn, yes; nativity, Ohio; color, W.; term of residence, election district, two years; assembly district, two years, county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 26, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenge-, —; remarks, —.

Residence, 671 Broadway; room No. 640; address, Kinsely, William, sworn, yes; nativity, Ohio; color, white; term of residence, election district, forty years; assembly district, forty years; county, forty years; State, forty years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application October 26, 1888; why disqualified, —; date of erasing name, —; voted Novem-
500 ber, yes; challenge-, —; remarks, —.

Residence, 671 Broadway, room No. 254; address, Healy, W. John; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, ten years; assembly district, ten years; State, ten years; naturalized, yes; date of papers, Oct. 13, 1884; court, United States district; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted in November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 800; Thornton, W. Henry; sworn, yes; nativity, Ala.; color, white; term of residence, election district, 3 months, assembly district, three months, county, one year;

State one year; naturalized, — ; date of papers,—; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified,—; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 830, address, Oppenheimer, Ernest; sworn, yes; nativity, Germany; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, October 7, 1886; court, com. pleas; qualified voter, yes; date of application, October 26, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

501 Residence, 671 Broadway, room No. 747; address, Wells, J. Sidney; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 27, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 713; address, Baetjer, Hermann; sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month, county, five years; State, five years; naturalized, yes; date of papers March *91*, 1866; court, com. pleas; qualified voter, yes; date of application, — 27, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 681 Broadway, room No. 220; address, Coe, L. Norman; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17, '88; why disqualified, —; date of erasing name *blank* —; voted November, yes; challenged, —; remarks, —.

Residence, 681 Broadway, room No. 320; address, Hersy, B. Bordman; sworn, yes; nativity, Mo.; color, white; term of residence, election district, three months, assembly district, three months,

502 county five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 26, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 685 Broadway, room No. — house; address, Merviss, F. Charles, sworn, yes; nativity, R. I., color, white; term of residence, election district twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers,—; court, —; qualified voter, yes; date of application October 17, 1888; why disqualified, —; date of erasing name, —; voted, November, yes; challenged, —; remarks, —.

Residence, 685 Broadway, room No. — store; address, Bapulding, P. Murillo; sworn, yes; nativity, Vt.; color, white; term of residence, election district, six months; assembly district, six months;

county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 26, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 697 Broadway, room No. — 2d floor; address, McGowan, Bernard; sworn, yes; nativity, Ireland; color, white; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, yes; date of papers, October 22, 1868; court, Ulster county C. H.; qualified voter, yes; date of application October 9, '88; why disqualified —;
503 date of erasing, name, —; voted November, yes; challenged, —; remarks, —.

Residence, 214 Mercer St.; room No. — house; address, Billington, Elisha; sworn, yes; nativity, R. I.; color, white; term of residence, election district, ten years; assembly district ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified, voters, yes; date of application October 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 214 Mercer St., room No. — store, address, Melville, W. Geo.: sworn, affirmed; nativity, N. Y.; color, white; term of residence, election district one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17, 1888; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 225 Mercer St., room No. 30; address, Gerard, Martin; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October, 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 225 Mercer St., room No. 20, address, George, J. John; sworn, yes; nativity, Mass., color, W.; term of residence,
504 election district, two years; assembly district, two years; county, two years; State two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9, '88; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 225 Mercer St., room No. — house, address, Rivgen, Claus; sworn, yes; nativity, German-, color, W.; term of residence, election district three years; assembly district, three years; county, three years; State, three years; naturalized, yes; date of papers, October 19, 1885; court, com. pleas; qualified voter, yes; date of application October 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 225 Mercer St.; room No. —, top floor; Ernts, Henry; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two months; assembly district two months; county, five

years; State five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; *why disqualified*, —; challenged, —; remarks, —.

Residence, 225 Mercer St.; room No. — 2d florr; address, Fajin, Henry; sworn, yes; nativity, German-; color, W.; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, yes; date of *application* October 26, 88; court, U. S. dist.; qualified voter, 505 yes; date of application October —.

—— Newman, A. Oliver; sworn, yes; nativity, Germany; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Nov. 28, '87; court, com. pleas; qualified voter, yes; date of application, Oct. 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West 3d, room No. — top; address, Nadden, Dennis; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; *qualified*, —; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West 3d; room No. — 1st; address, Gilbert, Lewis Jr.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West 3d, room No. — 2nd —; address, Francis, Phillip; sworn, yes, nativity, France; color, W.; term of residence, election district, two months; assembly district, two months, county, one year; State, one year; naturalized, yes; date of papers, March 21, '82; court com. pleas; qualified voter, yes; date of appli- 506 cation Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 20 West 3d, room No. — house; address, Liager, J. Louis; sworn, yes; nativity, Belgium; color, W.; term of residence, election district, two years; assembly district two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 23, '84; court, superior; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West 3d, room No. — 2nd —; address, Pinguet, C. Horace; sworn, yes; nativity, England; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State one year; naturalized, yes; date of papers, Oct. 8,

84 ; court, superior; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West 3d; room No. — 2nd —; address, Mayer, Ernest; sworn, yes; nativity, Germany; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Oct. 22, '88; court, com. pleas; qualified voter, yes; date of application Oct. 26, 88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West 3d; room No. — 1st —; address, Gil-
507 bert, Louis Jr.; sworn, yes; nativity, France; color, W.; term of residence, election district one year; assembly district, one year; county, one year, State, one year; naturalized, yes; date of papers, Oct. 16, '83; court, com. pleas; qualified voter, yes, date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 21 West 3d, room No. 6; address, Foley, Francis; sworn, yes; nativity, England, color, W.; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, yes; date of papers, April 14, '88; court, superior; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, yes; remarks, —.

— 21 West 3d St., room No. — top —; address, Teanor, B. James; sworn, yes; nativity, N. Y.; color, W. ; term of residence, election district, one month, assembly district, one month; county, ten years; State, ten years; naturalized, yes; date of papers, April 14, '88; court, superior ; qualified voter yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged. —; remarks, —.

— 21 West 3d ; room No. 4 ; add*f*ess, Riley, F. John ; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three months; assembly district, three months; county, four years; State, four years; naturalized, — ; date of papers, —; court, —; qualified
voter, yes; date of application, Oct. 17, '88; why disqualified
508 —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 21 West 3d, room No. 1; address, Noyes, W. George; sworn, yes, nativity, Me.; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State two years; naturalized —; date of papers, —; court, — qualified voter, yes; date of application, October 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 W. 3d ; room No. — basement; address, Gehring, Frederick, sworn, yes ; nativity, Germany, color, white ; term of residence, election district, five years; assembly district, five years; county five years; State five years; naturalized, yes; date of papers,

Oct. 26, '71; court, superior; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 21 West 3d, room No. — 1st —; address, Heyder, Charles; sworn, yes; nativity, N. J.; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 25 West 3d, room No. — 1st —; address, Wagner, Edward; sworn, yes; nativity, N. Y.; color, white; term of
509 residence, election district, two months; assembly district, two months; county, two years; State two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 29 West 3d St.; room — house; address, Lynch James; sworn, yes; nativity, Ireland, color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Sept. 14, 1875; court, com. pleas; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 61½ West 4th, room No. — store, address, Manus, B. Phillip; sworn, yes; nativity, N. Y.; color, white; term of residence, election district twenty years, assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West 4th, room No. — 3rd; address, Carroll, Michael, sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month, assembly district one month, county five years; State, five years; naturalized, —; date of papers,
—; qualified voter, yes; date of application Oct. 9, '88; why
510 disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West 4th, room No. — 1st —; address, Holst, John; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, one year, State one year; naturalized, yes; date of papers, Oct. 22, '74; court, city court Brooklyn; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West 4th, room No. — 2nd —; address, Diable, M. George; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, six months, assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —;

court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes, challenged, —; remarks, —.

Residence, 12 West 4th, room No. — base.; address, Mankoph, Carl; sworn, yes; nativity, Germany, color, white; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, yes; date of papers, April 20, '87; court, com. pleas; qualified voter, yes; date of application, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 8 West 4th, room No. — 2nd —; address, Eiseman, Leopold; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; county, five years; State,
511 five years; naturalized, yes; date of papers, Oct. 6, '88; court, com. pleas; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 18 West 4th, room No. — 2nd —; Barnes, E. Charles; sworn, yes, nativity, Wis.; color, white; term of residence, election district, one month; assembly district, one month; county, one year; State, one year; naturalized, —; date of papers, —; qualified voter, —; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence 18 West 4th; room No. — base.; address, Lass, Charles; sworn, yes; nativity, Germany, color, white; term of residence, election district, three years; assembly district, three years, county three years, State three years; naturalized, yes; date of papers, Oct. 24, '67; court, com. pleas; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West 4th; room No. — 3rd —; address, Alfred, Frank; sworn, yes; nativity, Germany; color, white.; term of residence, election district, five years; assembly district, five years; county five years; State, five year; naturalized, yes; date of papers, Oct.
21, '58; Monroe County court; qualified voter, yes; date of
512 application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 22 West 4th, room No. — top; address, Johnson, Carl; sworn, yes; color, W.; term of residence, election district, five years; assembly district, five years; county five years; State, five years; naturalized, yes; date of papers, Sept. 27, '80; court, com. pleas; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 22 West 4th; room No. — 3rd —; address, Larson, W. John; sworn, yes; nativity, Sweden; color W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Sept. 27, '80;

court, com. pleas; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 22 West 4th, room No. — 1st —; address, Silva, T. Ralphael; sworn, yes; nativity, France; color W.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years, naturalized, yes; date of papers, May 4, '78; court, superior; qualified voter, yes; date of application, Oct. 27, '88; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 22 West 4th, room No. — 2nd —; address, Rik-
513 son, I. Charley; sworn, yes; nativity, Sweden; color, W.; term of residence, election district, two years; assembly district, years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 22, '88; court, com. pleas; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West 4th room No. —; address, Horst, Valentine, sworn, yes; nativity, Germany; color W.; term of residence, election district, three years; assembly district three years; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers, Oct. 19, '65; court, superior; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West 4th, room No. — top; address, Girk, Gustave; sworn, yes; nativity, Germany, color, W.; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; date of papers, Oct. 3, '84; court, superior; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West 4th, room No. — top; address, Hauselman, L. John; sworn, yes; nativity, Germany; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date
514 of papers, Oct. 21, '87; court, com. pleas; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West 4th; room No. — 2nd —; address, Scheveitzer, G. Thomas; sworn, yes; nativity, N. Y.; term of residence, election district, ten years; assembly district, ten years; State, ten years; county, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 8 West 4th; room No. — 1st —; address, Bemisdorfer, Andrew; sworn, yes; nativity, Germany; color, W.; term of residence, election district, eight years; assembly district, eight years;

county, eight years; State, eight years; naturalized; date of papers, Nov. 9, '59; court, com. pleas; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 30 West 4th, —.

Residence, 196 Green St., room No. — base.; address, Harding, James; sworn, yes; nativity, N. Y.; color, col'd: term of residence, election district, six months; assembly district, six months; county, ten years; State ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; Oct. 17, '88; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

515 Residence, 196 Greene St., room No. — top; address, Francis, Lewis; sworn; yes; nativity, N. Y.; color, col'd; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes, date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 196 Greene St., room No. — top; address, Johnson, W. George; sworn, yes; nativity, Penn.; color, col'd; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 196 Greene, room No. — 1st — back; address, Pender, William; sworn, yes; nativity, Ohio; color, col'd; term of residence, election district, one years; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; qualified voter, yes; date of application, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 196 Greene, room No. — top; address, Jones, Joseph; sworn, yes; nativity, N. Y.; color, col'd; term of residence, election district, three months; assembly district, three months;
516 county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 198 Greene; room No.— base.; address, Modet, Peirri; sworn, yes; nativity, France; color, W.; term of residence, election district, two years; assembly district two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 13, '76; court, superior; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 198 Greene St., room No. —; 3rd —; address, Holden, Edward; sworn, yes; nativity, N. Y.; color, col'd; term of residence,

election district, three months; assembly district, three months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 198 Greene, room No. —; 1st floor; address, Merriweather, Reuben; sworn, yes; nativity, Va.; color, col'd; term of residence, election district two years, assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

517 Residence, 198 Greene, room No. — top; address, McHugh, John; sworn, yes; nativity, Ireland; color W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Oct. 16, '67; court, com. pleas; qualified voter, yes; Oct. 26, '88; why disqualified, —; date of erasing name; —; voted November, no; challenged —; remarks, —.

Residence, 200 Greene, room No. — top; address, Reddin, James; sworn, yes; nativity, N. Y.; color, col'd; term of residence, election district, six months; assembly district, six months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 200 Greene, room No. — 2nd —; address, Snipe, Ancel; sworn, yes; nativity, S. C.; color, col'd; term of residence, election district, two years, assembly district, two years, county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

We, the undersigned, inspectors of election, in the first—1—of the seventh—7—assembly district of the city and county of New York, do jointly and severally certify, that after general
518 registration of voters, held in the said election district, on the 9th, 17th days of October and the 26 and 27th days of October in the year 1888, there were registered by us as qualified voters, in the said election district, the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is one hundred and eighty-one—181—.

Dated New York, October 27, 1888.

HENRY WOLF.
JOSEPH HALWICK.
HUGH J. CAVANAGH.
ELISHA M. BILLINGTON.

519 "EXHIBIT 'C'—JOSEPH KELLY."

I, Charles S. Whitman, notary public, in and for the county of New York and State of New York certify that the said Joseph Kelly, witness, wrote in my presence the said words, "Exhibit C" and subscribed his name thereto, and that this "Exhibit C" is the identical "Exhibit C" which said witness made part of his answer to question No. 6 of this his deposition, and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County, State of New York.

(U. S. internal revenue stamp, 10 cts. Canceled Feb'y 9, 1898. C. S. W.)

520 Public Copy.

Register of Voters of the Sixth Election District of the Eleventh Assembly — of the City of New York, 1892.

The board of inspectors must enter in this register the names of all persons registered on each registration day, and have it suspended in the polling place between each registration day and up to the day of election. On election day the chairman shall take charge of the same, and file it and his own copy in the office of the chief of the bureau of elections within twenty-four hours after the completion of the canvass of the votes, in compliance with sections 1861 and 1864 of — 410 of the Laws of 1882; cited as the New York city consolidation act.

SECTION 1861. The inspectors of election in each election — shall, on each day of any general registration, before adjourning enter into each of two books prepared for that purpose, one of which shall be known as a "public copy" of the registers and the other of which shall be known as the "election bureau copy" of the registers, all of such names and residences and all such data, information and statements, as during the day have been entered by the inspectors of election in the registers provided in this chapter.

SECTION 1864. The "public copy" of the registers, they shall, at the close of their proceedings on each day of any general registration, and upon the determination of their proceedings on the last day of any revision of registration, leave suspended in the place where such registration or revision of registration was con-
521 ducted, where it shall be and remain until the next meeting of the said inspectors, whether such meeting be for the purpose of registration, revision of registration, or election, to the end that the same may be inspected and copied by any elector in said city and county. But on the day of any election, the said inspectors shall take possession of said "public copy" and the chairman shall closely retain the same throughout the said day, returning it to the

chief of the bureau of election as provided in this chapter, for the return of the register kept by him, and with said register; and said copy shall be by the said chief of the bureau of election retained and preserved and filed in said bureau.

See also section 112, chapter 680, Laws of 1892; relative to minutes inspecting challenges.

INDEX.

Election District.

Madison Ave	Pages	1-2-3-4-10-11-21
Fifth Ave	"	6 and 16
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32d St	"	4-8
33d St	"	1-4-6-14-15-23
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Assembly District.

522 Register of Voters of the — Election District of the — Assembly District of the City of New York.

Attention of inspectors of election is called to the note under head of "minutes" on the right hand page of this register, 1892.

Residence, 24 E. 33d, room No. —; address, O'Connor, John C.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, six years; assembly district, eleven years; county, eleven years; State eleven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — (see section 36; chapt. 680, Laws '90) —. No on ballot, —; minutes (note in case of challenge the "minutes" prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter, —.

Residence, 32 E. 33d, room No. —; address, Canfield, George F.; sworn yes; nativity, N. Y. color, W.; term of residence, election district, six years; assembly district, six years; county, six years; *county*, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, 92; why disqualified, —; date of erasing name, —; voted November, —; challenge-, — (see sec. 36 chp. 680 Laws 90 —. No. on ballot, —; minutes (note in case of challenge the "minute" prescribed in sec. 112; chap. 680;
523 Election Law, 1892 will be entered in this column opposite name of voter —).

Residence, 38 E. 33d, room No., —; address, Prior, Roger A.; sworn, yes; nativity, Va.; color, W.; term of residence, election district, ten years; assembly district ten years; county, ten years; State ten years; naturalized, —; date or papers, —; court, —; qual-

ified voter, yes; date of; application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36; chap. 680 Laws '90;—. No. on ballot, —; minutes note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892; will be entered in this column opposite name of voter, —.

Residence, 13 E. 33d, room No. —; address, Briddon, Charles K.; sworn, yes; nativity, England; color, white; term of residence, election district, ten years; assembly district ten years; county, ten years; State, ten years; naturalized, yes; date of papers, Nov. 22, '59; court, superior; qualified voter yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. 680 Laws of '90) —; No. on ballot; minutes (note in case of challenge the "minute" prescribed in sec. 112 chap. 680 Election Law 1892 will be entered in this column opposite name of voter,) —.

Residence, 55 E. 33d, room No. —; address, Winston, Charles W.; sworn, yes; nativity, N. Y.; color, C.; term of residence, election district four years; assembly district four years; county, four years; State, four years; naturalized, —; date of papers, —; court —;
524 qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. 680 Law '90) —; No. on ballot —; minutes (note in case of challenge 'minute' prescribed in section 112 chap. 680 Election Law 1892—will be entered in this column opposite name of voter,) —.

Residence, 165 Madison Ave., room No. —; address, Anderson, Henry J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. 680 Laws '90) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892—will be entered in this column opposite name of voter,) —.

Residence, 165 Madison Ave., room No. —; address, Anderson, E. Ellery; sworn, yes; nativity, N. Y.; color W.; term of residence, election district two years; assembly district, two years; county two years; State, two years; naturalized, —; date of papers, —; court, —; qualified, voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —;
525 challenged (see sec. 36 chap. 680 Laws '90) —; No. on ballot, —; minutes (note in case of challange the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892—will be entered in this column opposite name of voter,) —.

Residence 159 Madison Ave., room No. —; address, Carlton, Charles A.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county

two years; State two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October, 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. 680 Laws '90), No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892—will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. —; address Perkins, William H.; sworn, yes; nativity Penn.; color, W.; term of residence, election district, two years, assembly district two years; county, two years; State, two years, naturalized, —; date of papers, —; court,—; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. 680 Laws '90) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892—will be entered in this column opposite name of voter), —.

526 Residence, 34 E. 33d St., room No. —; address, Stimeon, Lewis A.; sworn, yes; nativity, N. J.; color, W.; term of residence, election district five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11, 1892; why disqualified —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. 680 Laws '90) —; No. on ballot —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892. Will be enetered in this column opposite name of voter) —.

Residence, 34 E. 33d St., room No. — address, Stimson, Henry L.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 680, Laws '90) —; No. on ballot, minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 68 E. 34th St., room No. —; address, Smith, Elijah P.; sworn, yes, nativity, M'y'd; color, W.; term of residence, election district, six years; assembly district, twenty-one years; county, life; State, life; naturalized, —; date of papers, —; court, 527 —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, — voted November, —; challenged (see sec. 36 chap. 680 Laws '90), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 48 E. 34th, room No. —; address, Perry, John G.; sworn, yes; nativity, Mass.; color, W.; term of residence, election

district, one year, assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. 680 Laws '90) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 12, chap. 680, election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 66 E. 34th, room No. —; address, Savey, Mitchcel A. C.; sworn, yes; nativity, D. C.; color, W.; term of residence, election district twenty years, assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, 92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see section 36 chap. 680 Laws '90), —; No. on ballot, —; minutes (note in case of challenge 'minute' prescribed in
528 sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 44 E. 34th, room No. —; address, Ives, Brayton; sworn, yes, nativity, Conn.; color, W.; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, see sec. 36, chap. 680 Laws '90), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sex. 112 chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. —; address, Burns, William A.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chap. 680 Laws '90–, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel room No. —; address, Charles, Richard P.; sworn, yes; nativity, —; color, W.; term of resi-
529 dence, election district, two years; assembly district, two years; county, twenty years; State twenty years; naturalized, yes, date of papers Oct. 26, '60; court, com. pleas; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '90–, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec 112, chap 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel room No. —; address, McCahn,

Bernard; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application; Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chap. 680 Laws '90), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec 112, chap 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel room No. —; address, Buel, Oliver T.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district five years; assembly district. five years; county, five years; State five years; naturalized, —; date of papers, —; court, —;
530 qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '90–, —; No. on ballot, —; minutes, (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law, 1892, will be entered in this column opposite name of voter, —.

Residence, Park Avenue hotel, room No. —; address, Underwood, H. Walter; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three years; assembly district, three years; county, three years; State three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '90), —; No. on ballot, —; minutes (note in c-se of challenged the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel; address, Selover, Abia; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see section 36, chap. Laws of '90), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec.
531 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter,) —.

Residence, Park Avenue hotel, — Morely, William E.; sworn, yes; nativity, Me.; color, W.; term of residence, election district, nine months; assembly district, nine months; county eighteen months; State eighteen months; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see section 36, chap. 680 Laws '90), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. —; address, Clark, M. William; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, thirty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36 chap. 680 Laws '90) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. —; address, Carner, H. William Jr.; sworn, yes; nativity, Md.; color, W.; term of residence, election district, three months; — four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '90), —; No. on ballot, —; minutes (note in case of challenged the 'minute' prescribed in sec. 112 chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

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Residence, Park Avenue hotel room No. —; address, Harris S. Sydney; sworn, yes; nativity, N. H.; color, W.; term of residence, election district, *election district*, twenty-eight years; assembly district twenty-eight years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '90), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. —; address, Austin, William; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenge, (see sec. 36, chap. 680, Laws of '90), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

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Residence, 12 E. 34th St., room No. —; address, Murphy, H. Patrick; sworn, yes; nativity, Ireland; color, W.; term of residence, election district thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 80 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' pre-

scribed in — 112 chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 153 Madison Ave.; room No. —; address, Morgan, N. Dennison; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 80 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892 will be en-
534 tered in this column opposite name of voter), —.

Residence, 153 Madison ave., room No. —; address, Morgan, W. Robert; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 80, Laws '92), —; No. on bollot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, — 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 153 Madison Ave., room No. —; address, Sawyer, Lyman T.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, four years; assembly district, four years; county, four years; State four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; dated of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 80 Laws '-2), —; No. on ballot, —; minutes, (note in case of challenge the 'minute' prescribed in section 112 chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 153 Madison Ave., room No. —; address, Hoffman, W. George; sworn, yes; nativity, Ohio; color, C.; term of residence election district, four years; assembly district, four
535 years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application, —; why disqualified —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. — Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 10 E. 34th St., room No. —; address, Burke, T. John; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, two years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, — yes; date of papers, 1870, Oct. 12; court, com. pleas; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chap. 80 Laws of '92), —;

No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 2 E. 24th room No. —; address, Dwight, Jonathan; sworn, yes; nativity, Mass.; color, W.; term of residence, election district ten years; assembly district, ten years; county ten years; State ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, —; why disqualified, —; date of erasing name, —; voted November, —; challenged,
536 see sec. 36, chap. 80, Laws '92, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sect. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 19 E. 32d St., room No. —; address, Padelfield, Edward M.; sworn, yes; nativity, Ga.; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 80, laws of '92), —; No. on ballot, —; minutes (note in case of challenge the "minute" prescribed in sec. 112, chap. 680 election law 1892, will be entered in this column opposite name of voter), —.

Residence, 58 E. 34th; room No. —; address, Loomis, Henry P.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chap. 80 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the "minute" prescribed in sec. 112, chap. 680, election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 37 E. 33d St., room No. —; address, Flint, Wil-
537 liam H.; sworn, yes; nativity, Me.; color, W.; term of residence, election district, six years; assembly district, six years; county, six years; State six years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name —; voted November, —; challenged (see sec. 36 chap. 680 Law '92), —; No. on ballot —; minutes (note in case of challenge the 'minute' prescribed in sec. 112. chap, 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 50 E. 34th St., room No. —; address, Colgate, Abner N.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, twenty-two years; assembly district twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, —p; date of papers, —; court, —; qualified voter, —; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36; chap. 680 Laws '92), —;

No. of ballot —; minutes, (note in case of challenged the 'minute' prescribed, in sec. 112 chap. 680 Election Law, will be entered in this column opposite name of voter), —.

Residence, 177 Madison Ave., room No. —; address, Vallentine, Herbert; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, twenty-five years; assembly district twenty-five years; county, twenty-five years; State, twenty-five years;
538 naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; challenged, see sec, 36; chap. 680 Election Laws '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 154 Madison Ave., room No. —; address, Dawson, William T.; sworn, yes; nativity, Ga.; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; voted November; challenged (see sec. 36 chap. 80 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the minute prescribed in sec. 112 chap. 680, Election Law, 1892, will be entered in this column opposite name of voter),—

Residence, 155 Madison Ave.; room No. —; address; Meraismes, John A.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, four years; assembly district, four years; county, four years; State four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; date of erasing name, —; why disqualified, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec.
112, chap. 680, Election Law 1892, will be entered in this
539 column opposite name of voter),—

Residence, 155 Madison Ave., room No. —; address, Dargan, Alenzo, T.; sworn, yes; nativity, S. C. color, W.; term of residence, election district, two years; assembly district, five years; county five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chap. 680, Laws '72), —; No. on ballot —; minutes (note in case of challenge the 'minute' prescribed in section 112 chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 155 Madison Ave., room No. —; address, Anderson, George; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three months; assembly district, three months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 80, Laws '92), —; No. on ballot, —;

minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 159 Madison Ave., room No. —; address, Hunt, Dwight B.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; 540 date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 160 Madison Ave., room No. —; address, Olyphant, Robert M.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 163 Madison Ave.; room No. —; address, Pearson, Charles J.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, three years; assembly district, three years; county, seven years; State, seven years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chap. 680 Laws '92), —; No. on ballot, —; (note in case of challenge the 'minute' prescribed 541 in sec. 112, chap. 680, Election Law, 1892, will be entered in this column opposite the name of voter), —.

Residence, 62 E. 34th St., room No. —; address, Trowbridge, Samuel B. P.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, five months; assembly district, five months; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the '[minute' prescribed in sec. 112, chap. 680, Election Law, 1892, will be entered in this column opposite name of voter), —.

Residence, 52 E. Fourth St.; room No. —; address, Dyer, Edward T.; sworn, yes; nativity, Mass.; color, W.; term of residence, election district, fifteen months; assembly district, fifteen months; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted No-

vember, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

542 Residence, 353 Fifth Av., room No. —; address, Husted, Peter V. sworn, yes; nativity, Conn. color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; *voted November*, —; challenged (see sec 36, chap 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chap 680, Election Law 1892; will be entered in this column opposite name of voter —.

Residence, 57 E. 33d St., No. —; address, McIlwaine, Willis; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

543 Residence, Park Ave., hotel, room No. —; address, Hart, Albert; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, two months; assembly district, two months; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 680 Laws '92); No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in — 112 chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel; room No. —; address, Brundage Minthorne; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, six months; assembly district, six months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes, (note in case of challenge the "minute" prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel; room No. —; address, Rae, Thomas J.; sworn, yes; nativity, Penn.; color, W.; term of residence, election district three months; assembly district, three months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted

November, —; challenged, (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

544 Residence, Park Ave. hotel, room No. —; address, Hortshorn, Edwin A.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, six months, assembly district six months; county, six months; State, twenty one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Law '92), —; No. on ballot, —; minutes, (note in case of challenge the "minute" prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. —; address, Morris, Coles, sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, fourteen years; assembly district, fourteen years; county fourteen years; State, fourteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Law '92), —; No. on ballot, —; minutes (note in case of challenge, the "minute" prescribed in sec. 112, chap. 680, Election Law, 1892, will be entered in this column, opposite name of voter), —.

Residence, Park Ave. hotel room No. —; address, Woodward, Rignalt; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, twenty
545 years; State, twenty years; naturalized, —; date of papers, —. court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified,—; date of erasing name, —; voted November, —; challenged, (see section 36, chap 680 Law- '92), —; No. on ballot, —; minutes (note in case of challenge the minute prescribed in sec 112, chap 680 election law 1892, will be entered in this column opposite name of voter) —.

Residence, Park Ave hotel, room No. —; address, Woods, William, sworn, yes; nativity, N. Y.; color, W.; term of residence, election district thirty days; assembly district, thirty days; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 680 Law- '92), —; No. on ballot, —; minutes, (note in case of challenge the "minute" prescribed in sec 112, chap 680 Election Law 1892, will be entered in this column opposite name of voter) —.

Residence, Park Ave hotel, room No. —; address, Dick, William B.; sworn, yes; nativity, Pa.; color, W.; term of residence, election district eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why dis-

qualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Law- '92, —; No. on ballot, —;
546 minutes (note in case of challenge the "minute" prescribed in sec 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. —; address, Nelson, William; sworn, yes; nativity, N. Y.; color W.; term of residence, election district twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Law- '92), —; No. on ballot, —; minutes (note in case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel; room No. —; address, Hopkins, George E.; sworn, yes; nativity, N. Y.; color W.; term of residence, election district, three years; assembly district, three years; county, ten years; State ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; challenged (see sec. 36, chap. 680, Laws of '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. —; address, Earle, Arthur G.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county,
547 two years, State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. 271; address, Stors, Richard A.; sworn; yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district one year; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter yes; date of application Oct. 19, 92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92,) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 355; address, Webster, Joseph L. Jr.; sworn, yes; nativity, R. I.; color, W.; term of residence, election district, four years; assembly district, four years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct.

19; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —;
548 No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 627; address, Kellogg, Daniel F.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three months; assembly district, three months; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws, '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. 680, address, Hawkins, John M.; sworn, yes; nativity, Mass.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application Oct. 19; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter,) —.

Residence, Park Avenue hotel, room No. 131; address, Risley,
549 Benjamin W.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district three years; assembly district, three years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application Oct. 19; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. 367; address, Wright, Stephen M.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district thirty days; assembly district, thirty days; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 618; address, Thomas, Frank B.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, ...; date of papers,

... ; court, ... ; qualified voter, yes ; date of application, Oct.
550 19 ; why disqualified, ... ; date of erasing name, — ; voted November, ... ; challenged (see sec. 36, chap. 680 Laws '92), ... ; No. on ballot, ... ; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 11 E. 32d St. ; room No. — ; address, Grant, Harry M. ; sworn, yes ; nativity, Del. ; color, W. ; term of residence, election district, one year ; assembly district, one year ; county, two years ; State, two years ; naturalized, — ; date of papers, — ; court, — ; qualified voter, yes ; date of application, Oct. 11, '92 ; why disqualified, — ; date of erasing name, — ; voted November, — ; challenged (see sec. 36, chap. 680 Laws '92) ; No. on ballot, — ; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892), —.

Residence, 9 E. 32d St., room No. — ; address, Stever, Albert, sworn, yes ; nativity, Me. ; color, W. ; term of residence, election district, twenty years ; assembly district twenty years ; county, twenty years ; State, twenty years ; naturalized, — ; date of papers, — ; court — ; qualified voter, yes ; date of application, Oct. 11, '92 ; why disqualified, — ; date of erasing name, — ; voted November, — ; challenged (see sec. 26, chap. 680 Laws '92), — ; No. on ballot, — ; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter) —.

551 Residence, No. 9 E. 32d St. ; room No. — ; address, Storer, Frederick ; sworn, yes ; nativity, N. Y. ; color, W. ; term of residence, election district, twenty-one years ; assembly district, twenty-one years ; county, twenty-one years ; State, twenty-one years ; naturalized, — ; date of papers, — ; court, — ; qualified voter, yes ; date of application, Oct. 11, '92 ; why disqualified, — ; date of erasing name, — ; voted November, — ; challenged (see sec. 36, chap. 680 Laws '92), — ; No. on ballot, — ; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter,) —.

Residence, 13 E. 32d St., room No. — ; address, Scott, George C. ; sworn, yes ; nativity, Penn. ; color, W. ; term of residence, election district, two years ; assembly district, two years ; county, two years ; State, two years ; naturalized, — ; date of papers, ... ; court, ... ; qualified voter, yes ; date of application Oct. 19, '92 ; why disqualified, — ; date of erasing name, — ; voted November, ... ; challenged (see sec. 36, chap. 680, Laws '92), — ; No. on ballot, — ; minutes (note in case of challenge the 'minute' prescribed in section 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 3 E. 32d ; room No. — ; address, Callaghern, John ; sworn, yes ; nativity, England ; color, W. ; term of residence, election district, ten years ; assembly district, ten years ; county, ten
552 years, State ten years ; naturalized, yes ; date of papers, June 22, '88 ; court, superior ; qualified voter, yes ; date of appli-

cation, Oct. 19; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes, note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter,) —.

Residence, 19 E. 32d St., room No. —; address, Lamson, Edwin; sworn, yes; nativity, Mass.; color, W.; term of residence, election district, four years; assembly district, four years, county, thirty years; State thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name,—; voted November, —; challenged (see sec. 36, chap. 689, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 7 E. 32d; room No. —; address, Sterling, Geo. L.; sworn, yes; nativity, Conn.; color W.; term of residence, two years; assembly district, two years; county, two years; State two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 '98 Laws), —; No. on ballot, —; minutes (note in case of
553 challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 13 E. 32d St., room No. —; address, Pease, Chas. S.; sworn, yes; nativity, Mass.; color, W.; term of residence, election district, eleven months; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter.) ... .

Residence, 11 E. 32d St., room No. ...; address, Avery, John W.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chap. 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 19 E. 32d St., room No. —; address, Berger, Carl; sworn, yes; nativity, Austria; color, W.; term of residence,
554 election district, four years; assembly district, four years; county, four years; State, four years; naturalized, yes; date of

papers, 9, 19, '88; court, C. ple.; qualified voter, yes; date of application October 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 7 E. 32d St., room No. —; address, OrVeill, Geo.; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, four years; assembly district, four years; county, 12 years; State, 12 years; naturalized, yes; date of papers, Oct. 23, 1888; court, com. pleas; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter) —.

Residence, 7 E. 32d St., room No. —; address, Bronson, Thoret; sworn, yes; nativity, Pa.; color, W.; term of residence, election district, three years; assembly district, three years; county, twenty-five years; State, twenty-five years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified —; date of erasing name, —; voted November,
555 ...; challenged (see sec. 36; chap. 680, Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence 161 Madison Ave., room No. —; address, McGrath, Howard; sworn, yes, nativity, Pa.; color, W.; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chap. 680, Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 161 Madison Ave., room No. —; address, Blodgett, Daniel C.; sworn, yes; nativity, Ver.; color, W.; term of residence, election district, three years; assembly district three years, county, thirty years; State thirty years; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chap. 680 Laws '92), ...; No. on ballot ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 163 Madison Ave., room No. —; address,
556 Pierson, James B.; sworn, yes, nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county six years; State, six years; naturalized, —;

date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 167 Madison Ave., room No. —; address, Jackson, Andrew; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three years; assembly district, three years; county, ten years; State, ten years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, ...; date of erasing name, ...; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892), —.

Residence, 178 Madison Ave., room No. —; address, Darnell, Henry; sworn, yes; nativity, Va.; color, W.; term of residence, election district, six months; assembly district, six months; county, fifteen years; State, fifteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted No-
557 vember, —; challenged (see sec. 36, chap. 680, Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law, 1892, will be entered in this column opposite name of voter), —.

Residence, 159 Madison Ave.; room No. —; address, Daggett, John M.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —,; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter, —.

Residence, 154 Madison Ave.; room No. —; address, Springer, Richard A.; sworn, yes; nativity, S. C.; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qalified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. Election Law 1892, will be entered in this column opposite name of voter), —.

558 Residence, 163 Madison Ave.; room No. —; address, Parrott, Marcus, J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county, thirteen years; State, nineteen years; naturalized —; date

of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 167 Madison Av.; room No. —; address, Reid, Harry B.; sworn, yes; nativity, Pa.; color, W.; term of residence, election district, four years; assembly district, four years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 169 Madison Av.; room No. —; address, Serscher, John; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district sixty days; assembly district sixty days; county, twenty years; State, twenty years; naturalized, —; date of papers,
559 —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 155 Madison Av.; room No. —; address, Miller, John M.; sworn, yes; nativity, M'd; color, W.; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec 112, chap 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 153 Madison Av.; room No. —; address, Van Vankind, Josiah; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years; assembly district two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, ...; chal-
lenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot,
560 —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 163 Madison Av.; room No. —; address, Anderson, Chas. J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district two years; assembly district, two years; county,

twenty-one years; State twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 153 Madison Av.; room No. —; address, Ricketts, William H.; sworn, yes; nativity, D. C.; color, W.; term of residence, election district two years; assembly district, two years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92:, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter, —.

Residence, 163 Madison Av., room No. —; address, Nevin, Edwin H.; sworn, yes; nativity, O.; color, W.; term of residence,
561 election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 153 Madison Av.; room No. —; address, Franks, John E.; sworn, yes; nativity, Va.; color, —; term of residence, election district two years; assembly district, two years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, — challenged (see sec. 36, chap. 680, Laws '92), — No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 154 Madison Av.; room No. —; address, Allen, Wm. E. sworn, yes; nativity, Conn.; color, W.; term of residence, election district, ten years, assembly — ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified
voter, yes; date of application Oct. 19, '92; why disqualified,
562 —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 163 Madison Av.; room No. —, address, Day, John J.; sworn, yes; nativity, Tenn. color, W.; term of residence, election

district, one year; assembly district, one years; county, two years; State, two years; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name —; voted November, ...; challenged (see sec. 36, chap. 680, Laws '92,) —. of ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter, ...

Residence, 159 Madison Av.; room No. —; address, Clark, Burnet L.; sworn, yes; nativity, Ala.; color W.; term of residence, election district, forty days; assembly district, two years; county, fifteen years; State, fifteen years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chap 680, Laws '92,) —; No. on
563 ballot, ...; minutes (note in case of challenge the minute prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter,) —.

Residence, 163 Madison Av.; room No. —; address, Darling, Frederick H.; sworn, yes; nativity, Mass.; color, W.; term of residence, election district, four months, assembly district, four months; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92 :, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 166 Madison Av.; Gillet, J. Allison, room No. —; sworn, yes; nativity, Md.; color W.; term of residence, election district, three years, assembly district eight years; county eight years; State eight years; naturalized, —; date of papers, —; court —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter). —.

Residence, 157 Madison Av.; room No. —; address, Kip, William W.; sworn, yes; nativity, N. Y.; color, W.; term of resi-
564 dence, election district, two years; assembly district two years, county, ten years; State, ten years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 19, '92; why disqualified —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chap. 680, Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 160 Madison Av.; room No. —; address, Olyphant,

Vernon M.; sworn, yes; nativity, China; color, W.; term of residence, election district, ten years, assembly district, ten years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 173 Madison Av.; room No. —; address, Evans, Abram L.; sworn, yes; nativity, N. Y.; color, B.; term of residence, election district, two years; assembly district, two years; county, twenty-nine years; State, twenty-nine years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —;
565 voted November, —; challenged, (see sec. 36, chap. 680, Laws '92, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in entered in this column opposite name of voter), —.

Residence, 155 Madison Av.; room No. —; address, Miller, Jacob P.; sworn, yes; nativity, Md.; color, W.; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter, —.

Residence, 166 Madison Av.; room No. —; address, Gilsenan, Peter; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, four years; assembly district, four years; county, ten years; State, ten years; naturalized, yes; court, —; date of papers, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law, 1892, will be entered in this column opposite name of voter), —.

566 Residence, 178 Madison Av.; room No. —; address, Oakman, Walter, G.; sworn, yes; nativity, Pa.; color, W.; term of residence, election district, three years; assembly district, three years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 159 Madison Av.; room No. —; address, Boyer, Andrew J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, eighteen months, assembly district, eighteen months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November — : challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, — minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 152 Madison Av.; room No. —; address, Freund, Ernest; sworn, yes; nativity, Pa.; color, W.; term of residence, election district, three years; assembly district, three years; county, five
567 years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 26, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 155 Madison Av.; room No. —; address, Fisher, Wm. H.; sworn, yes; nativity, Va.; color, B.; term of residence, election district, four years; assembly district, four years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 112, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 152 Madison Av.; room No. —; address, Knight, Geo. M.; sworn, yes; nativity, Me.; color, W.; term of residence, election district, three months, assembly district, four months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, ...;
minutes (note in case of challenge the 'minute' prescribed
568 in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 152 Madison Av.; room No. —; address, Clarke, John D.; sworn, yes; nativity, Canada; color, W.; term of residence, election district three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section

112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 183 Madison Av.; room No. —; address, Callaghan, John J.; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, yes; date of papers, Oct. 8, 1888; court, superior; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Law '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680, Law 1892, will be entered in this column opposite name of voter), —.

Residence, 157 Madison Av.; room No. —; address, Stafford, James; sworn, yes; nativity, N. Y.; color, W.; term of resi-
569 dence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 156 Madison Av.; room No. —; address, Barney, Ambrose L.; sworn, yes; nativity, Mass.; color, W.; term of residence, election district sixteen years; assembly district, sixteen years; county, sixteen years; State, sixteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in section 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 169 Madison Av.; room No. —; Terry, Roderick; sworn, yes; nativity, N. Y.; term of residence, election district, ten years; assembly district, sixteen years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec.
570 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minutes' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter,) —.

Residence, 152 Madison Av., room No. —; address, Farnbeam, Elijah T.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, eighteen months, State, eighteen months; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 28, '92; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92,)

—; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 2 E. 34th St.; room No. —; address, Dwight, Jonathan Jr.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680; Laws '92, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter) —.

571 Residence, 72 E. 34th St., room No. —; address, Dodge, Arthur M.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court —; qualified voter, yes; date of application, October 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 14 E. 34th St.; room No. —; address, Williams, Paul F.; sworn, yes; nativity, N. Y., color, W.; term of residence, election district, thirty days; assembly district thirty days; county, ten years; State, ten years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application October 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 10 E. 34th St.; room No. —; address, Higgins, Francis; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, two years; assembly district, ten years; county, twenty years; State, thirty years; naturalized, yes; date of papers, March 10, 1858; court, com. pleas; qualified voter, yes; date of application October 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680,

572 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the minute prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter,) —.

Residence, 30, E. 34th St., room No. —; address, Barnes, Francis F.; sworn, yes; nativity, Eng.; color, W.; term of residence, election district, three years; assembly district three years; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 18th, '92; court, com. pleas; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing

name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this columc opposite name of voter), —.

Residence, 24 E. 34th St.; room No. —; address, Galbraith, William H.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, eleven months; assembly district, eleven months; county, two years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (*sww* sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

573 Residence, 72 E. 34th St., ; room No. —; address, Johnson, James; sworn, yes; nativity, Ireland; color, W.; term of residence election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, April 1, 1892; court, superior; qualified voter, —; date of application October 19, 1892; why disqualified, —; date of erasing name —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 12 E. 34th St., room No. —; address, Ryan, Frank L.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, four months; assembly district, four months; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 12 E. 34th St., room No. —; address, Ryan, Peter J.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19,

574 1892; why disqualified —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 6 E. 34th St.; room No. —; address; Warrall, Lawrence; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application, October 19, 1892;

why disqualified, —; date of erasing name, —; votes November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column oppose name of voter), —.

Residence, 62 E. 34th St., room No. —; address, Roosevelt, Frank; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, fifteen months; assembly district, fifteen months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

575 Residence, 18 E. 34th St., room No. —; address, Martin Michael, sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, thirty days; assembly district, thirty days; county, four years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Law '92,) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 18 E. 34th St., room No. —; address, Tracy, James; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, thirty days; assembly district thirty days; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, October 14, '91; court, superior; qualified voter, yes; date of application October 28, '92; why disqualified —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 18 E. 34th St., room No. —; address, Middleton, Martin; sworn, yes; nativity, Mass; color, W.; term of residence, election district, thirty days; assembly district thirty days; county, one year; State, twelve years; naturalized, —; date of

576 papers, —; court, —; qualified voter, yes; date of application October 28, 92; why disqualified, —; date of erasing name —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 12 E. 34th St., room No. —; address, O'Brien, Patrick; sworn, yes; nativity, N. Y.; color, W.; term, of residence, election district, six years; assembly district, six years; county, twenty-six years; State, twenty-six years; naturalized, —; date of paper, —;

court, —; qualified voter, yes; date of application October 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 10 E. 34th St, room No. —; address, McCoy, William E.; sworn, yes; nativity, Penn.; color, W.; term of residence, election district ten months; assembly district, ten months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column
577 opposite name of voter,—.

Residence, 4 E. 34th St., room No. ...; address, Falk, John E.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district one year; county, twenty-one years; State, twenty-one years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, October 29, '92; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged (see sec. 36 chapt. 680, Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892; will be entered in this column opposite name of voter), ...

Residence, 41 E. 33rd St., room No. —; address, Carver, Jacob H.; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, two years; assembly district, two years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes, (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 15 E. 33rd St., room No. —; address, Sands, Phillip J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of
578 papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 33 E. 33rd St., room No. —; address, Walker, John D.; sworn, yes; nativity, N. J.; color, W.; term of residence, election district, one year; assembly district one year; county, one year;

State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Laws 1892, will be entered in this column opposite name of voter), —.

Residence, 7 E. 33rd St., room No. —; address, Atterbury, Grosvenor; sworn, yes; nativity, Mich.; color, W.; term of residence, election district, twelve years; assembly district, twelve years; county twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted, November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

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Residence, 9 E. 33rd St.; room No. —; address, De Lutz, Francis Ogden; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district thirty years; assembly district thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 33 E. 33rd St., room No. —; address, Denton, Myron T.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county, three years; State, three years; naturalized, ...; date of papers, —; *date of papers*, ...; court, —; qualified voter, yes; date of application, October 11, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed, in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 26 E. 33rd St., room No. —; address, Hinmacher, C. William A.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, six years; assembly district six years; county, six years; State six years; naturalized, ...; date of papers, —; court, —; qualified voter yes; date of application October 11, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

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Residence, 21 E. 33rd St.; address, Phœnix, Lloyd; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, six

years; assembly district, six years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter) —.

Residence, 12 E. 33rd St.; room No. —; address, Moore, William H. H.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' pre-
581 scribed in section 112, chapt. 680, Election Laws 1892, will be entered in this column opposite name of voter), —.

Residence, 23 E. 33rd St., room No. —; address, Winthrop, Frederick B.; sworn, yes; nativity, France; color, W.; term of residence, election district, five years; assembly district, five years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chapter 680, Election Law 1892, will be entered in this column opposite name of voter) —.

Residence, 22 E. 33rd St., room No. —; address, Moore, William C.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 39 E. 33rd St., room No. —; address, Sands, Robert A.; sworn, yes; nativity, N. Y.; color, W.; term of residence,
582 election district, one year assembly district, one year; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36. chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 31 E. 33rd St., room No. —; address, Dwyer, James;

sworn, yes; nativity, Ireland; color, W.; term of residence, election district, ten months; assembly district, ten months; county, twelve years; State, twelve years; naturalized, yes; date of papers, September 30th, 1886; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 10 E. 33rd St., room No. —; address, Carley, Earl E.; sworn, yes; nativity, Ken.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92) —; No. on
583 ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 43 E. 33rd St.; room No. —; address Monroe, Geo. E.; sworn, yes; nativity, China; color W.; term of residence, election district, six years; assembly —, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application, —; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 1 E. 33rd St., room No. —; address, Delevan, D. Bryson; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, eight years, assembly district, eight years; county, eight years; State eight years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, October 19, 1892; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged (see sec. 36, chapt. 680, Laws '92), No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt, 680, Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 7 E. 33rd St., room No. —; address, Atterbury,
584 Charles L.; sworn, yes; nativity, Mich.; color, W.; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 45 E. 33rd St.; room No. —; address, Beach, John;

sworn, yes; nativity, N. Y.; color, W.; term of residence, election district seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes, (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 1 E. 33rd St.; room No. —; address, Blake, Joseph; sworn, yes; nativity, Colo.; color, W.; term of residence, election district, thirty days; assembly district, thirty days; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted Novem-
585 ber, —; challenged, (see sec. 36, chapt. 680; Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in act 112 chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 53 E. 33rd St., room No. —; address, Doran, Thomas; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 19 E. 33rd St., room No. —; address, Cammana, Geo. P.; sworn, yes; nativity, yes; color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chap. 680, Election Law 1892, will be entered in the column opposite name of voter), —.

586 Residence, 28 E. 33rd St.; room No. —; address, Thompson, Alexander A.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 19 E. 33rd St., room No. —; address Cammann, Donald M.; sworn, yes; nativity, N. Y.; color W; term of residence, election district, twenty-five years; assembly district, twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws 1892), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, —; Lyons, Frank J.; sworn, yes; nativity, N. Y.; color, W.; term *od* residence, election district, eighteen months assembly district, eighteen months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; chal-
587 lenged, (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 8 E. 33rd St., room No. —; address, Bowen, Richard; sworn, yes; nativity, Ireland; color W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, Oct. 21st, 1888; court, superior; qualified voter, yes; date of application, October 28, 1892; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 33 E. 33rd St.; room No. —; address, Ely, Jonathan S.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, six years; assembly district, six years; county, six years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; —, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 35 E. 33rd St., room No. —; address, Goran,
588 Jacob S.; sworn, yes; nativity, Va.; color, B.; term of residence, election district, four months; assembly district, four months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec 36, chapt 680, Laws '92), —; No. on ballot, minutes (note in case of challenge the 'minute' pre-

scribed in sec 112, chap 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 51 E. 33rd St.; room No. —; address, Bodenstein, Frank; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three years; assembly district, three years; county, thirty-three years; State, thirty-three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec 36, chapt 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec 112, chapt 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 30 E. 33rd St., room No. —; address, Ransom, Geo. M.; sworn, yes; nativity, N. Y.; color W.; term of residence, election district, two years; assembly district, two years; county, six years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted Novem-
589 ber, —; challenged (see sec 36, chapt 680, Laws '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in section 112, chapt. 580, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 10 E. 33rd St., room No. —; address, Terry, Walter P.; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, two months; assembly district, two months; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92) —; — challenge — in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 38 E. 33rd St., room No. —; address, Pryor, Roger A.; sworn, yes; nativity, Va.; color, W.; term of residence, election district, one year; assembly district one year; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 12 E. 33rd St.; room No. —; address, Milholland, John E.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, eight months; assembly district, eight
590 months; county, two years; State, thirty-two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge

the 'minute' prescribed in sec. 112, chapt. 680, Election Law, -892, will be entered in this column opposite name of voter), —.

Residence, 12 E. 33d St., room No. —; address, Millholland, Fred E.; sworn, yes; nativity, N. Y.; volor, W.; term of residence, election district, two months, assembly district, two months, county, five years; State, thirty-six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 2 E. 33d St., room No. —; address, Pessels, Walter C.; sworn, yes; nativity, Ga.; color W.; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the minutes prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this colum- opposite name of voter), —.

591 Residence, 18 E. 33d St., room No. —; address, Greer, Thomas J.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92). —; No. of ballot, —; minutes (note in case oc challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 351 Fifth Av., room No. —; address, Stockhouse, Henry W.; sworn, yes, nativity, N. J.; color, W.; term of residence, election district twelve years, assembly district, twelve years; county, twelve years; State, twelve years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 351 Fifth Av., room No. —; address, Andrews, Joseph, sworn, yes; nativity, Mass.; color, W.; term of residence, election district, two years, assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged

592 (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec.

112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter, —.

Residence, 331 Fifth Av., room No. ...; address, Caffery, John B., sworn, yes; nativity, Ireland; color, W.; term of residence, six years; assembly district, six years; county, seven years; State, seven years; naturalized, yes; date of papers July 11, '90; court, com. pleas; qualified voter, yes; date of application Oct. 19, 1892; why disqualified, —; date of erasing name, ...; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), ...; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 349 Fifth Av., room No. —; address, Wright, George W.; sworn, yes; nativity, Vt.; color, W.; term of residence, election district, three years; assembly district three years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name, —; voted November, — challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 349 Fifth Av., room No. —; address, Frothingham, Samuel; sworn, yes; nativity, Mass.; color, W.; term of residence, election district, two years; assembly district, two years; 593 county, seven years; State, seven years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680, Laws '92), ...; No. on ballot, ...; minutes (note in case challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 349 Fifth Ave.; room No. —; address, Stebbins, Geo. L.; sworn, yes; nativity, N. Y.; color, W.; residence term, election district, three years; assembly district, three years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election law 1892, will be entered in this column opposite name of voter, —.

Residence, 325 Fifth Ave., room No. —; address, Benedict, James A.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, ...; qualified voter, yes; date of application Oct. 19, '92; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92,) ...; No. on ballot,

...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt 680 Election Law 1892, will be entered in this column opposite name of voter), —.

594 Residence, 349 Fifth Av., room No. —; address, Lord, Charles E.; sworn, yes; nativity, N.Y.; color, W.; term of residence, election district, thirty days; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 345 Fifth Av., room No. —; address, Van Nest, Geo. W.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted, November, —; challenged (see sec. 36, chapt. 680 Laws '92, —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 347 Fifth Av., room No. ...; address, Rosenthal, Julius; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, three months; assembly district, three months; county, twenty-one years; State, twenty-one years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), ...;

595 No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, 341 Fifth Av., room No. —; address, Bolton, Henry C.; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, eight years; assembly district eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 347 Fifth Av., room No. —; address, Kenworthy, Frederick T.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, three years; county, twenty-eight years; State, twenty-eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92 why disqualified, —; date of erasing name,

—; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chart. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 347 Fifth Av., room No. —, address, Kenworthy, Thomas C.; sworn, yes; nativity, Penn.; color, W.; term of residence, election district, four months, assembly district, three years;
596 county, twenty-five years; *county*, twenty-five years; naturalized, — date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92) —; No. on ballot, —; minutes, note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680, Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 329 Fifth Av., room No. — janitor; address, Christopher, Andrew; sworn, yes; nativity, Norway, color, W.; term of residence, election district, three years; assembly district, three years; county, five years —; naturalized, yes; date of papers, Aug. 9, '92; court, com. pleas; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence 341 Fifth Av., room No. —; address, Tobin, John M.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized yes; date of papers, Nov. 3, 1884; court, com. pleas; qualified voter, yes; date of application, Oct. 29, 1892; why disqualified, —; date of erasing name, —; voted November, —; — No. on ballot, —; minutes (note in case of challenge
597 the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 345 Fifth Av., room No. —; address, Voast, Julius, sworn, yes; nativity, Belgium; color, W.; term of residence, election district, two years; assembly district, two years; county, twenty-eight years; State twenty-eight years; naturalized, yes; date of papers, Oct. 22, 1880, court, com. pleas; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. 666; address, Watson, Wm. T.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November,

—; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 499, address, Dornbush, William F.; sworn, yes; nativity, Germany; color, W.; term of residence election district, forty days; assembly district, forty days; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers May 1, 1866, court, superior; qualified voter,
598 yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel room No. 417; address, Bowman, Joseph J.; sworn, yes; nativity, Mass.; term of residence, election district, three years; assembly district, three years; county, thirty years; State thirty years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged, (see sec. 36, chapt. 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 570; address, Perry, Alexander J.; sworn, yes, nativity, Conn.; color, W.; term of residence, election district, one years; assembly district, one year; county, two years; State two years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 19, '92; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, (see sec. 36, chapt. 680 Laws '92) ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 672; address, Thomp-
599 son, Percy; sworn, yes; nativity, Ala.; color, W.; term of residence, election district, four months; assembly district, four months; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws, '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 574; addresse Williams, Frank S.; sworn, yes; nativity, La.; color, W.; term of residence, election district, one year; assembly district, one year; county, twenty-seven years; State, twenty-seven years; naturalized, —; date

of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 501; address, Falls, Dewit C.; sworn, yes; nativity, N. Y., color, W.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

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Residence, Park Avenue hotel; room No. ...; address, Livingston, Henry W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 608; address, Crandall, Ebert; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, one year; assembly district, one year; county, one year; State, ten years; naturalized, —; date of papers, ...; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name —; voted November, ...; challenged (see sec. 36, chapt. 680, '92), —; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law, 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 683; address, Bogle, Charles H.; sworn, yes; nativity, R. I., color, white; term of residence, election district, two years; assembly district, two years; county, two years; State two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified —; date of erasing name —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

601

Residence, Park Avenue hotel, room No. 253; address, Kitchen, W. K.; sworn, yes; nativity, Ga.; color, white; term of residence, election district, one month; assembly district, one month; county,

thirty years; State, thirty years, naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, Park Ave. hotel, room No. 643; address, Everhardt, Francklyn; sworn, affirmed; color, W.; term of residence, election district, thirty days; assembly district, thirty days; county, twenty years; State twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in
602 sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, Park Avenue hotel, room No. 470, address, Nash, Job M.; sworn, yes; nativity, Ohio; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 28, '92; why disqualified, —; *date of application Oct. 28, '92*; *why disqualified*, ...; date of erasing name, ...; voted November ...; challenged (see sec. 36, chapt. 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 317; address, Earle, William H.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, two years; assembly district, two years; county, two years; State two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 624, address, Reed, Frederick A.; sworn, yes; nativity, N. Y.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court,
603 —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680, Laws '92), ...; No. on ballot, —; minutes, note in case of challenge the 'min-
604 ute' prescribed in sec. 112 chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. 578; address, Baudet,

Homer J.; sworn, yes; nativity, Canada; color, W.; term of residence, election district, thirty days; assembly district, thirty days; county, ten years; State, ten years; naturalized, —; date of papers —; court, —; qualified voter, no papers; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, — minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite the name of voter) —.

Residence, Park Avenue hotel, room No. 679; address, Larwell, Alfred; sworn, yes; nativity, N. J.; color, —; — one year; assembly district, one year State, one year; naturalized, —; date of papers, —; court — qualified voter yes; date of application October 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. 553, address, Williams, Theodore C.; sworn, yes; nativity, Mass; color, W.; term of residence, election district three months; assembly district, three
605 months; county, nine years; State, none years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Avenue hotel, room No. 442; address, Bolander, William; sworn, yes, nativity, N. J.; color, white; term of residence, election district thirty days; assembly district thirty days; county, forty years; State forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 599; address, Ilsley, Silas A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight years; assembly district, eight years; State, twenty-one years; county, eight years; naturalized, —; date of
papers, —; court, —; qualified voter, yes; date of application,
606 Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the minute prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 434; address, Townsend,

Robert; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified —; date of erasing name, —; voted, November, ...; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), ...

Residence, Park Ave. hotel, room No. 455; address, Smith, Charles Jr.; sworn, yes; nativity, N. Y.; color white; term of residence, election district six years; assembly district, six years; county, thirty years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law, 1892, will be entered in this column opposite name of voter), ...

607 Residence, Park Ave. hotel, room No. 703; address, clerk, Richard Floyd; sworn, yes; nativity, S. C.; color, white; term of residence, election district thirty days assembly district thirty days; county, fifteen years; State, fifteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualifiec, —; date of erasing name —; voted November, —; challenged (see sec. 36, chapt 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112 chapt. 680 Election law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 480; address, Myres, Albert N.; sworn, yes; nativity, Germany; color, white; term of residence, election district nine months; assembly district, nine months; county, twenty-five year; State, twenty-five years; naturalized, yes; date of papers, Oct. 5, '80; — superior; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 687; address, Howell, Henry C. sworn, yes; nativity, N. Y.; color, white; term of residence, election district ten months; assembly district, ten months; county, forty years; State, forty years; naturalized, —; date
608 of papers, —; court, ...; qualified voter, yes; date of application Oct. 27, '92; why disqualified —; date of erasing name, ...; voted November, yes; challenged (see sec. 36, chapt 680 Laws '92), ...; No. on ballot, ...; minutes (note in case of challenge the 'minnte' prescribed in sec. 112, chapt. 680 Election Law 1892 will be entered in this column opposite name of voter), ...

Residence, Park Ave. hotel, room No. 318; address, Slosson, Geo. F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenge- (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, Park Ave. hotel, room No. 681, address, Sheppard, Chas. W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days, assembly district, thirty days; county, five months; State, three years; naturalized, — date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, laws '92), —. No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this
609 column opposite name of voter), —.

Residence, 183 Madison Av., room No. ...; address, Jones, Edward G; sworn, yes; nativity, Conn.; color, white; term of residence, election district, four years; —; county, twenty-one years; State, twenty-four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26, 1892, why disqualified, —; date of erasing name, — voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92,) —; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 163 Madison Av., room No. ...; address, Hiller, Frank L.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district thirty days; assembly district, thirty days; county, six years; State, six years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92,) —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter, ...

Residence, 159 Madison Av., room No. ...; address, Mulhill, Michael, sworn, yes; nativity, Ireland; color, white; term of residence, election district six years; assembly district, six years; county, thirty years; State, thirty years; naturalized, —;
610 date of papers, —; court, no papers; qualified voter, yes; date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged, (see sec 36, chapt. 680 Laws '92,) ...; No. on ballot, ...; minutes (note in case of challenge the 'minute' prescribed in section 112, chapt. 680,

Election Law 1892, will be entered in this column opposite name of voter, —.

Residence, 153 Madison Av., room No. —; address, Hill, Thomas T. Q.; sworn, yes: nativity, Boston, Mass.; color, white; term of residence, election district two years; assembly district two years; *two years;* county, eighteen years; State, eighteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this — opposite name of voter) —.

Residence 181 Madison Av., room No. —; address, Falkner, Alexander; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers Jan. 27, '70; court, superior, qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

Residence, 157 Madison Av.; room No. —; address, Milliken, Samuel E.; sworn, yes; nativity, Texas; color, W.; term of residence, election district, three years; assembly district, three years, 611 county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenge-, (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minute- (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election — 1892, will be entered in this column opposite name of voter), —.

Residence, 12 E. 33rd St., room No. —; address, Withington, James H.; sworn, yes; nativity, Me.; color, white; term of residence, election district, two months; assembly district, two months; county, one year; State, six years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application Oct. 29, 92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; No. on ballot, —; minutes (note in case of challenge the 'minute' prescribed in sec. 112, chapt. 680 Election Law 1892, will be entered in this column opposite name of voter), —.

612 Certificate at Close of Registration.

We, the undersigned, inspectors of election in the sixth election district of the eleventh assembly district of the city and county of New York, do jointly and severally certify that at the general registration of voters, held in the said election district on the 11th, 19th, 28th and 29th days of October in the year 1892, there were registered

by us as qualified voters in the said election district the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is 221...two hundred and twenty-one...221.

Dated New York, October 29, 1892.

SYLVESTER E. DONOVAN,
Chairman.
BERTELLO H. BUTTRICK.
EUGENE E. GRAHAM.

Certificate Respecting Persons Challege-.

We certify that the minutes opposite the name of persons challenged are all such minutes as to all persons challenged at this election.

BERTELLO H. BUTTRICK.

I hereby certify that this book has been properly and correctly checked in compliance with section 1866, chapt. 410 Laws of 1882.

613 "EXHIBIT 'D'—JOSEPH KELLY."

I, Charles S. Whitman, notary public in and for the county of New York and State of New York, certify that the said Joseph Kelly, witness, wrote in my presence the said words "Exhibit D" and subscribed his name thereto, and this "Exhibit D" is the identical "Exhibit D" which said witness made part of his answer to question No. 6 of this his deposition, and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County,
State of New York.

(Internal revenue 10 cts. Canceled Feb. 9, '98. C. S. W.)

614 Election Bureau Copy.

Register of Voters of the Sixteenth Election District of the Third Assembly District of the City of New York, 1884.

The board of inspectors must enter in this register the names of all persons registered on each registration day, and certify the same, and within forty-eight hours after their adjournment of the last day of any registration, file it in the office of the chief of the bureau of elections in compliance with section 1861 of chapter 410 of the Laws of 1882, cited as the New York city consolodation act.

SECTION 1861. The inspectors of election in each election district, shall on each day of any general registration before adjourning, enter into each of two books prepared for that purpose, one of which shall be known as "public copy" of the registers, and the other of which shall be known as the "election bureau copy" of the registers, all such names and residences, and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this chapter. And the whole six books shall, on each of said days, after the completion of such copies of the register, be carefully compared throughout, so that each of the registers and the copies thereof, shall, in every respect agree with each other, and contain the name and residence of each person who shall have applied for registration, and the
615 facts respecting him as the same shall have been stated by him and entered in the registers as provided in this chapter. The said inspectors shall, on the last day of any general registration, certify each of said copies in the same manner as if it was an original, and within forty-eight hours after their adjournment on said last day of any such general registration shall file these "election bureau copy" of the registers with the chief of the bureau of elections at his office, where the same shall be carefully preserved.

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618 Registery of Voters of the Sixteenth Election District of the Third Assembly District of the City of New York, 1884.

Residence, 518 Broadway, room No. — 3d floor; address, Van Bussem, Phillip; sworn, yes; nativity, N. J.; color white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 4th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 518 Broadway, room No. — 3d floor, address, La Rose, Andrew; sworn, yes; nativity, Can.; color, white; term of residence, election district, four years; assembly district, four years; county, five years; State, five years; naturalized, yes; date of papers, October 7, 1880; court, —; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — top, address, William Henry, sworn, yes; nativity, N. Y.; color, col.; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, ...; remarks, ...

619 Residence, 584 Broadway, room No. 554; address, Nolan, James; sworn, yes, nativity, Ten.; color, W.; term of residence, election district seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 586; address, Goldin, Timothy; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, one year; assembly district, one year; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers July 10, '54; court, superior; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 536; address, Mignault, Eusebe; sworn, yes; nativity, Vermont; color, white; term of residence, election district two months; assembly district, two months; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 559; address, Shea, Mortimore, Jr., sworn, yes: nativity, R. I.; color, —; date of pa-
620 pers, —; court, —; qualified voter, yes; date of application, Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 561, address, Dunne, James, sworn yes; nativity, Ireland; color, W.; term of residence, election district, eight years; assembly district, eight years; county, forty years; State, forty years; naturalized, yes; date of papers, March 31, 1862; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 582, address, Wood, Arthur A.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county, eighteen years; State, eighteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 365; address, O'Sullivan, Sylvester J.; sworn, yes; nativity, Canada; color, W.; term of residence, election district, one month; assembly district, one month; county, nineteen years; State nineteen years; naturalized, yes; date of papers Jan. 3, 1874; court, Rensselaer Co. court; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

621 Residence, 584 Broadway., room No. 558, address, Carlson, William, sworn, yes; nativity, Germany, color, W.; term of residence, election district, one year; assembly district, one year; county, fifteen years; State fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th, '84; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 581, address, Norris, John A.; sworn, yes; nativity, N. Y., color, W.; term of residence, election district two years; assembly district, two years; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 177; address, Chase, E. Charles; sworn, yes, nativity, Mass.; color, white; term of residence, election district, two years; assembly district two years; county, four years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 105; address, Coe, Russell J.; sworn, yes; nativity, Conn.; color, white; term of residence, election district ten years; assembly district twen years; county, ten
622 years; State ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks.

Residence, 606 Broadway, room No. 127; address, Coe, Timothy R.; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing, name, —; voted November, —; challenged, —; remarks, —.

Residence, 81 Marion; room 3d floor; address, Casey, J. William; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, thirty-three years; assembly district thirty-three years; county, thirty-three years; State, thirty-three years; naturalized, native; date of papers, —; court, —; qualified, voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 81 Marion, room No. — 1st floor; address, Sheridan, James; sworn, yes; nativity, Ireland; color, W.; term of residence, election district eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, May 9, '56; court, com. pleas; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

623 Residence, 85 Marion, room No. — house; address, Allen, Stanton; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence 88 Marion, room No. — 4th floor, address, Simpson, Samuel, sworn yes; nativity, N. M.; color, black; term of residence, election district, one year; assembly district, one year; county, fifty-nine years; State, fifty-nine years; naturalized, native; date of papers, --; court, —; qualified voter, —; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 88 Marion, room No. — 1st R.; address, Murrell, Alonzo Sutter; sworn, yes; nativity, Jersey; color, black; term of residence, election district, one year; assembly district, thirteen years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 88 Marion, room No. — house; address, King, Samuel; sworn, yes; nativity, Pa.; color, col.; term of residence, election district, five years; assembly district, five years; county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October
624 24th; why disqualified, —; date of erasing name, —; voted November, —; chailenged, —; remarks, —.

Residence, 89 Marion, room No. — 1st floor; address, Rabel, Augustine; sworn, yes, nativity, Cuba; color, col.; term of residence, election district, two months; assembly district, two months; county, eighteen years; State, eighteen years; naturalized, yes; date of papers, Oct. 20, 1876; court, U.S. district ct.; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 257 Mulberry, room No. — house; address, Burnin, Thomas J.; sworn, yes; nativity, N.Y.; color, white; term of residence, election district, one month; assembly district, one month; county, twenty-nine years; State, twenty-nine years; naturalized, native, date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 15th,; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — house; address, Gallagher, Hugh; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, one year; assembly district, twenty years; county twenty years; State twenty years; naturalized, yes; date of papers, Oct. 24, '79; court, com. pleas; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —;
625 voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address,

Gleason, John; sworn, yes; natovity, N. Y.; color, W.; term of residence, election district one year; assembly district, one year; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry St., room No. — 2d floor; address, Fitzgerald, Michael; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, two years; county thirty-four years; State, thirty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 3rd floor; address, Gamble, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, nine months; assembly district, twenty-seven years; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

626 Residence, 259 Mulberry, room No. —; 3d floor; address, Fallon, William; sworn, yes; nativity, N. Y.; color, white, term of residence, election district, two years; assembly district, two years; county, thirty-one years; State, thirty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 3d floor; address, Flynn, Dennis H.; sworn, yes; nativity, U. S.; color, white; term of residence, election district, seven months; assembly district, seven months; county, two years; State two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, St., room No. — 2d floor; address, Kunkel, Valentine; sworn, yes; nativity, U. S.; color, white; term of residence, election district, five months; assembly district, five months; county, twenty-seven years; State twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15th; why disqualified, —; date of erasijg name, —; voted November, —; challenged, —; remarks, —.

627 Residence, 259 Mulberry, room No. — 2d floor; address, Kelly, Edward; swron, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, twenty-seven years; county, twenty-seven years; State, twenty-seven years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Fallon,

Michael; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, thirty-seven years; county, thirty-seven years; State, thirty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 3d floor; address, Barry, Richard; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, five years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, ...; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 3d floor; address, Hart, Joseph P.; sworn, yes; nativity, N. J.; color, W.; term of residence, election district, two years, assembly district, two years; county, five years; State, five years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

628 Residence, 259 Mulberry, room No. — 2d floor; address, Nolan, Mortimer; sworn, yes; nativity, Ireland; color, white; term of residence, election district, three months; assembly district, three months; county thirteen years; State, thirteen years; naturalized, yes; date of papers, Oct. 18, '65; court, city court, Albany; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Stirne, Timothy; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven months; assembly district, seven months; county, forty-one years; State forty one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Gleason, Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, four months; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Foster, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, six years;

629 county, twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Bergar, Samuel, sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry St., room No. — 2d floor; address, McGovern, Francis; sworn, yes, nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, two months; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry St., room No. — 3d floor; address, Irvin, H. Richard; sworn, yes; nativity, Germany; color, white; term of residence, election district, two months; assembly district, three months; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 25th; why disqualified, —; date of erasing name,
630 —; voted November, —; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 3d floor; address, Marsden, James; sworn, yes; nativity, N. Y.; color white; term of residence, election district, three months; assembly district, six years; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 25th; why disqualified; —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 261 Mulberry, room No. — basement; address, Herrman, C. F. Jean; sworn, yes; nativity, Germay; colow, white; term of residence, election district, two years; assembly district, two years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Aug. 22, '67; court, com. pleas; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 261 Mulberry, room No. — house; address, Moore, Hugh; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, Oct. 25, '66; court, com. pleas; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 261 Mulberry, room No. — top; address, Rafferty, Thomas; sworn, yes; nativity, Ireland; color, white; term
631 of residence, election district, two years; assembly district, two years; county, eighteen years; State, eighteen years; naturalized, yes; date of papers, Oct. 21, '66; court, com. pleas; qualified voter, yes; date of application October 15th; why dis-

qualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 263 Mulberry, room No. — 3d floor; address, Packer, E. Moses; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 263 Mulberry St., room No. — house; address, Kelly, James S.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 263 Mulberry, room No. — house; address, Donlin, Geo. F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, thirty-one years; State, thirty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of applica-
632 tion Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 1st floor; address, Decker, Theodore, sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, twenty-four years; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 1st floor; address, Foley, S. Henry; sworn, yes; nativity, N. Y.; color, white: term of residence, election district, thirty-nine years; assembly district, thirty-nine years; county, thirty-nine years; State, thirty-nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — rear; address, Dunn, John J.; sworn; yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 1st ... rear; address,
633 Foley, Thomas E.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, forty-two years; assembly district, forty-two years; county, forty-two years; State, forty-two years; naturalized, native; date of papers, —; court, —; qualified

voter, yes; date of application October 15th; why disqualified, —; date of erasing name, —; voted November,...; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 2d floor; address, Madigan, Daniel; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four months; assembly district, four months; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, by virtue of parent.

Residence, 267 Mulberry, room No. — base.; address, Hoffman, Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, four years; State, thirty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 2d floor; address, Dunn, Daniel, sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years;
634 county, thirty years; naturalized, yes; date of papers, Oct. 19, '60; court, com. pleas; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 1st floor; address, Steck, Frederick, sworn, yes; nativity, Germany; color, white; term of residence, election district, twelve years; assembly district, eighteen years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Sept. 14, '72; court, superior; qualified voter, yes; date of application Oct. 7th, —; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 1st floor; address, McDonald, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district seven months; assembly district, ten years; county, thirty-two years; State, thirty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — 1st floor; address, Teaht, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; *date of papers*, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing
635 name, —; voted November, —; challenged —; remarks, —.

Residence, 275 Mulberry St., room No. — 4th floor; address, Peters, Alfred; sworn, yes; nativity, Conn; color, white; term of residence, election district, one year; assembly district, one year; county, fifteen years; State, fifteen years; naturalized, native; date

of papers, —; court, —; qualified voter, yes; date of application October 7th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry St.; room No. — top floor; address, Rier, Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years, assembly district, two years; county, twenty-six years; State, twenty-six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — 2d floor; address, McClusky, John; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Sept. 22, 1853; court, city court of Brooklyn, qualified voter, yes; date of application; Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. — 1st floor; address,
636 Kelly, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, thirty-seven years; State, thirty-seven years; naturalized, yes; date of papers, Oct. 8, '52; court, superior; qualified voter, yes; date of application, Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. — 4th floor; address, Bower, Hugo, sowrn, —; nativity, Germany; color white; term of residence, election district, four years; assembly district, four years; county, nine year-; State, nine years; naturalized, yes; date of papers, July 26, '71; court, St. Louis correction, criminal; qualified voter, yes; date of application October 15th, —; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, St. Louis, Mo.

Residence, 277 Mulberry St., room No. — 3d floor; address, Piat, Julius; sworn, yes; nativity, Swiss; color, white; term of residence, election district three years; assembly district, three years; county, seventeen years; State, seventeen years, naturalized, yes; date of papers, October 16, 1884; court, com. pleas; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — 2d floor; address, Riley, Arthur; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes;
637 date of papers, Nov. 19, 1856; court, com. pleas; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — 2d floor; address, Widmer, Robert, sworn, yes; nativity, Swiss; color, white; term of residence, election district; one year; assembly district, one year county, eighteen years; State, eighteen years; naturalized, yes date of papers, Oct. 23, '80; court, U. S. district ct.; qualified voter yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. — 3d floor, address, Maloney John; sworn, yes; nativity, N. Y.; color, white; term of residence election district, seven months; assembly district, seven months county, thirty-one years; State, thirty-one years; naturalized naive; date of papers, —; court, —; qualified voter, yes; date of application. Oct. 25th; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry St,, room No. — 3d floor; address, Gimble, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven years; assembly district, seven years county, thirty-one years; State, thirty-one years; naturalized, native date of papers, —; court —; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, — remarks, —.

63 Residence, 275 Mulberry St., room No. — 2d floor; address Morgan, Joseph; sworn, yes; nativity, N. Y.; color, white term of residence, election district, one year; assembly district, one year; county, forty-seven years; State, forty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date ofapplication October 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks.

Residence, 279 Mulberry St., room No. — 2d floor; address Micklin, Thomas; sworn, yes; nativity, N. Y.; color white; term of residence, election district, twenty-four years; assembly district twenty-four years; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voer, yes; date of application Oct. 15th; why disqualified, — date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence 279 Mulberry St., room No. — 2d floor; address, Macklin, Peter C.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-seven years; assembly district twenty-seven years; county, twenty-seven years. State twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voer, yes; date of application, October, 15th; why disqualified, — dae of erasing name, —; voted November, —; challenged, — renarks, —.

Residence, 279 Mulberry St., room No. — 1st floor; address, Macklin, Walter J.; sworn, yes; nativity, N. Y.; color, W.; term of
63 residence, election district, twenty-two years, assembly district twenty-two years; county, twenty-two years; State, twenty two years; naturalized, native; date of papers, —; court, —; quali

fied voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; challenged, —; remarks, —.

Residence, 279 Mulberry, room No. — 1st floor; address, Macklin, Francis H.; sworn, yes; nativity, N. Y.; col*ro*, W.; term of residence, election district fifty years; assembly district fifty years; county, fifty years; State, fifty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 25th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 2d floor; address, Moran, Thomas, sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, forty years; assembly district, forty years; county, forty years; State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 2d floor; address, McGuinness, Hugh; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty —; county, thirty years; State, thirty years; naturalized, yes; date of papers Oct. 27, 1859; court, com. pleas; qualified voter, yes;
640 date of applicat*u*on, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry St., room No. — 2d floor; address, McGuiness, Thomas; sworn, yes; nativity, N. Y.; color, white, term of residence, election district, thirty-two years; assembly district, thirty-two years; county, thirty-three years; State, thirty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry St., room No.— 2d floor; address, McGuiness, Hugh Jr.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-six years; assembly district, twenty-six years; county, twenty-six years; State*m*, twenty-six years; naturalized, native; date of papers, —; court,—; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —

Residence, 281 Mulberry, room No. — 1st A.; address, Tindsey, Wm. H.; sworn, yes, nativity, U. S. color, white; term of residence, election district, three years; assembly district, three years; county, forty-two years; State, forty-two years; naturalized, native; date of papers, —; court, —; qualifiedvoter, yes; date of application, Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

641 Residence, 281 Mulberry, room No. — 2d A.; address, Lake, John; sworn, yes; nativity, U. S.; color, W.; term of residence, election district, one year; assembly district, one year; county, twenty-four years; naturalized, native; date of papers, —;

court, —; qualified voter, yes; date of application, October 15th; why disqualified, —; date of erasing name, —; voted November —; remarks, —.

Residence, 281 Mulberry, room No. — 2d A.; address, Brennan William; sworn, yes; nativity, U. S.; color, W.; term of residence election district, two months; assembly district, two months; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 2d floor; address, Giffin Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one years; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers Oct. 7, 1878; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 4th floor; address, Ryan Roger; sworn, yes; nativity, Ireland; color white; term of residence, election district, four years, assembly district, four
642 years; county, thirty years; State, thirty years; naturalized yes; date of papers, Oct. 21, 1864; court, superior; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, St., room No. — 2d floor; address, Boyle Thomas, sworn, yes; nativity, Ireland; color, white; term of residence election district, fifteen years; assembly district, fifteen years; county fifteen years; State, fifteen years; naturalized yes; date of papers Oct. 24, 1879; court, superior; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 42 Crosby St., room No. — house; address, Schlemmer George; sworn, yes; nativity, Germany; color, W.; term of residence, election district, five years; assembly district, five years; county, thirty-five years; State thirty-five years; naturalized, yes; date of papers, Dec. 4, 1854; court, com. pleas qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 54 Crosby St., room No. — 1st floor; address, Socias Francis; sworn, yes; nativity, Tenn.; color, white; term of residence, election district two years; assembly district, two years; county, twelev years; State, twelve years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

643 Residence 72 Crosby St., room No. — 2d floor; address Mackey, James F.; sworn, yes; nativity, N. Y.; color, white term of residence, election district, one year; assembly district

twenty-seven years; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15, '84; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 1st floor, address, Walsh, Thomas; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, five years; assembly district, five years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, Oct. 20, 1884; court, superior; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 1st floor; address, McClennan, William; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one month; assembly district, fifteen years; county, fifteen years; State fifteen years; naturalized, yes; date of papers, Oct. 25, '76; court, superior; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

644 Residence, 72 Crosby St., room No. —, 3d floor; address, Birmingham, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, nine months; assembly district, fourteen years; county, fourteen years; State, fourteen years; naturalized, yes; date of papers, Oct. 21, 1870; court, superior; qualified voter, yes; date of application Oct. 25th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 112 Crosby St., room No. —, 2d floor; —, Fealy, W. Edward; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, thirty-two years; county, thirty-two years; State, thirty-two years; naturalized, yes; date of papers, Oct. 6th, 1858; court, com. pleas; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 113 Crosby St., room No. —, house; address, Greary, M. James; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-five years; assembly district, twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

645 Residence, 113 Crosby St., room No. —, house; address, Hall, J. Wadrop; sworn, yes; nativity, Maryland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 115 Crosby St.; room No. —; house, address, Schultz,

Henry; sworn, yes; nativity, Germany; color, white; term of residence election district, five years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, yes; date of papers, Sept. 12th 1864; court, com. pleas; qualified voter, yes; date of application, Oct. 7th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 115 Crosby St., room No. —; house, Welch, William; sworn, yes; nativity, Conn.; color, W.; term of residence, election district, one month, assembly district, one month; county, seventeen years; State, seventeen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, State of New Jersey.

Residence, 119 Crosby St., room No. — 1st floor; address, Flannagan, Edward; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, 646 thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, Oct. 22, 1858; court, com. pleas; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, remarks, —.

— 119 Crosby St., room No. — 2d floor; address, Delury, Joseph F.; sworn, yes; nativity, N. Y.; color, W.; term of residence, election district, five years; assembly district, five years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 119 Crosby St., room No. — 3rd floor; address, Hanley, John J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, Sept. 8, 1868; court, com. pleas; qualified, yes; date of application Oct. 24th; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, ... remarks, ...

Residence, 117 Crosby, room No. ... 2d floor; address, Reece, Thomas; sworn, yes; nativity, England; color, white; term of residence, election district, six months; assembly district, six 647 months; county, fourteen years; State, fourteen years; naturalized, yes; date of papers, Sept. 29th, 1865; court, Penn. supreme court; qualified voter, yes; date of application Oct. 25th; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, ...; remarks, ...

—, 117 Crosby St., room No. —, 1st floor; address, Underhill, Daniel; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, thirty-four years; State, thirty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of

application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 117 Crosby St., room No. —, 2d floor; address, Thompson, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, 7 years; county, seventeen years; State, seventeen years; naturalized, yes; date of papers, Oct. 16, 1875; court, superior; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —, remarks, —.

Residence, 117 Crosby St., room No. —, 3rd; address, Smith, Lawrey; sworn, yes; nativity, Conn.; color, white; term of residence, election district one year; assembly district, one year; county, nine years; State, nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct.
648 24th; why disqualified, —; date of erasing name, —; remarks, —.

Residence, 117 Crosby St., room No. —, 1st floor; address, Lightfall, Frank; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district; two years; county, thirty-seven years; State, thirty-two years; naturalized, native; date of papers, —; court, —; qualified voter, —; date of application, Oct. 25th; why disqualified, —; date of erasing name, voted November, —; challenged, —; remarks, —.

Residence, 121 Crosby St., room No. —, 3rd floor; address, Mattheison, Frederick; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, fifteen years; county, twnety years; State, twenty years; naturalized, yes; date of papers, Oct. 24th, 1879; court, com. pleas; qualified voter, yes; date of application Oct. 15th; why disqualified. —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 121 Crosby St., room No. — house; address, Casey, William; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, ten years; assembly district, ten years; county, thirty-six years; State, thirty-six years; naturalized, yes; date of papers, April 18, 1853; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

649 Residence, 121 Crosby St., room No. — 2nd floor, Bermingham, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers Oct. 26, 1860; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

— 125 Crosby St.; room No. — 1st fl.; address, Petrin, Frank; sworn, yes; nativity, Italy; color, white; term of residence, election district, four months; assembly district, four months; county, twenty-nine years; State, twenty-nine years; naturalized, yes; date

of papers, Oct. 16, 1872; court, superior; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 126 Crosby St., room No. — 2d floor; address, Lisher, Jacob; sworn, yes; nativity, Germany; color, white; term of residence, election district, five months; assembly district, five months; county, thirty years; State, thirty years; naturalized, yes; date of papers, November 13th, 1861; court, com. pleas; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

650 Residence, 126 Crosby St., room No. — 2nd fl.; address, Warner, Walker G.; sworn, yes; nativity, New York; color, white; term of residence, election district, two months; assembly district, two months; county, three years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, election district, 133 Crosby St., room No. — basement; address, Foundation, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, three months; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, Oct. 25th, 1882; court, superior; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 133 Crosby, room No. — basement; address. Lynch, Christopher; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year, county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 133, Crosby, room No. — 1 floor; address, Volpp, Christoff; sworn, yes; nativity, Germany; color, white; term of residence, election district, twenty-three years; assembly district, twenty-

651 three years; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers, Oct. 17, '66; court, com. pleas; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 133 Crosby, room No. — 1st fl.; address, Miltenberger, Anthony; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven years; assembly district, seven years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby, room No. — top; address, McDonald, Francis; sworn, yes; nativity, N. Y.; color, white; term of resi-

dence, election district, three years; assembly district, twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — 2nd; address, Jenther, A. K.; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, four years; State, four years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15th; why disqualified, —; date of erasing name, —; voted
652 November, —; challenged, —; remarks, by virtue of parent.

Residence, 135 Crosby, room — 2d ...; address, Murry, Daniel; sworn, yes; nativity, Mass.; color, white; term of residence, election district, one month; assembly district, one month; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby, room No. — 2nd; address, Weiss, Henry; sworn, yes; nativity, Austria; color, white; term of residence, election district, six months; assembly district, six months; county, eleven years; State, eleven years; naturalized, yes; date of papers, October 17, 1884; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence 135 Crosby, room No. — 2d floor; address, Jordon, Peter; sworn, yes; nativity, German; color, white; term of residence, election district thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, Oct. 25th, —; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — 3rd floor; rear;
653 sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, thirty-four years; county, thirty-four years; State, thirty-four years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby, room No. — 1st floor; address, Kelley, W. Peter; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, four months; county, six months; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 138 Crosby, room No. — 2d floor; address, Hayes, John;

sworn, yes; nativity, N. Y.; color, white; term of residence, election district twenty years; assembly district, twenty years; county, twenty years; State twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, — date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 138 Crosby; room No. — 1st floor; address, Campbell, J. William; sworn, yes; nativity, N. Y.; color, white: term of residence, election district, two years; assembly district two years; county, forty-four years; State, forty-four years; naturalized,
654 native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 138 Crosby, room No. — 4th fl.; address, O'Reilly, Michael; sworn, yes; nativity, N. Y.; color white; term of residence, election district, twenty-two years; assembly district, twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 138 Crosby; room No. — 4th floor; address, Tansey, Joseph F.; sworn, yes; nativity. N. Y.; color, W.; term of residence, election district, twenty-four years; assembly district, twenty-four years; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 138 Crosby; room No. — 4th floor; address, O'Reilley, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, thirty-four years; State, thirty-four years; naturalized, yes; date of papers, Oct. 25th, 1860; court, com. pleas; qualified voter, yes; date of application, —; voted November, —; challenged —; remarks, —.

655 Residence, 138 Crosby St., room No. ... top fl.; address, Davidson, Emmet; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two months; assembly district, two months; county, thirteen years; State, thirteen years; naturalized, native; date of papers, ...; court, ...; challenged, ...; remarks, votes on father's papers.

Residence, 140 Crosby; room No. ... 3d floor; address, Cunningham, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, fifty-nine years; State, fifty-nine years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby, room No. .... 2nd floor; address, Bennett, Thomas; sworn, yes; nativity, New York; color, white; term of

residence, election district, twenty-two years; assembly district, twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. — 2nd —; address, Lynch Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; county, thirty-seven years; State, thirty-seven years; naturalized,
656 yes; date of papers, Aug. 18, 1856; court, com. pleas; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby, room No. — 2nd —; address, Lynch, John J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, seven years; assembly district, seven years; county, twenty-eight years; State, twenty-eight years; naturalized, yes; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, ...; remarks, ...

Residence, 140 Crosby, room No. — 2nd ...; address, Lynch, Lawrence B.; sworn, yes; nativity, Ireland; color, white; term of residence, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Oct. 24th, 1860; court, com. pleas; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, ...

Residence, 140 Crosby, room No. — 4th fl.; address, Bennett, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, ...

Residence, 140 Crosby; room No. — 4th fl.; address, Jordan, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six months; assembly district, six months; county, thirteen years; State, thirteen years; naturalized,
657 yes; date of papers, Oct. 20, 1880; court, superior; qualified voter, yes; date of application, Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged ...; remarks, ...

Residence, 140 Crosby, room No. — 4th floor; — Riley, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eight months; assembly district, eight months; county, sixteen years; State, sixteen years; naturalized, yes; date of papers October 20, 1880; court, superior; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby; room No. —; 3d floor; address, Bennett, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty-three years; assembly district, thirty-three years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, July 26, '64; court, com. pleas; qualified voter, yes; date of application, Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 15 Houston St., room No. — basement; address, Seppenfeld, William; sworn, yes; nativity, Germany; color white; term of residence, election district, four years; assembly district, seven years; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers, April 7, 1866; court, superior; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 19 Houston St., room No. 5; address, Packard, N. Frank; sworn, yes; nativity, Me.; color, white; term of resi-
658 dence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 19 Houston St., room No. ... 3rd floor; address, Williams, John W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, sixty years; State, sixty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, ...; remarks, ...

Residence, 19 Houston, room No. —, 3rd ...; address, Danks, Francis; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, twenty years; State, forty years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, ...

Residence, 19 Houston, room No. —, 1st floor; address, Randolph, Samuel E.; sworn, yes; nativity, N. J.; color, white; term of residence, election district, four years; assembly district, four years; county, five years; State, five years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, ...

Residence, 19 Houston, room No. 9; address, Bernard,
659 George N.; sworn, yes; nativity, S. C.; color, white; term of residence, election district, two years; assembly district, two years; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of applica-

tion Oct. 15th; why disqualified —; date of erasing name, —; voted November, ...; challenged, ...; remarks, ...

Residence, 21 Houston, room No. —, basement; address, Dochterman, Paul; sworn, yes, nativity, Germany; color, white; term of residence, election district, six years; assembly district, six years; county, fourteen years; State, fourteen years; naturalized, yes; date of papers, Oct. 23d, 1876; court, superior; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

—, 21 Houston, 3d floor; address, Diedrick, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, three years; assembly district three years, county, five years; State, five years; naturalized, —; —; March 16, 1859; court, superior; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 21 Houston, room No. —, 2d floor; address, Koester, August; *2d floor;* sworn, yes, nativity, Germany; color, white; term of residence, election district, fourteen years; assembly district, fourteen years; county seventeen years; State, seventeen years; naturalized, yes; date of papers, July 28th, 1879; court, com. pleas; qualified voter, yes; date of application, —; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks —.

Residence, 21 Houston, room No. —, 2d floor; address, Eckert, Emiel; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, fourteen years; assembly district, fourteen
660 years; county, fourteen years; State, fourteen years; naturalized, native; date of papers, ...; court, ...; qualified voter, —; date of application, Oct. 7th; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, ...; remarks, —.

Residence, 21 Houston St., room No. —; 2d floor; address, Mayor, Joseph; sworn, yes; nativity, England; color, white; term of residence, election district, seven years; assembly district, seven years; county, thirty-one years; State, thirty-one years; naturalized, yes; date of papers Oct. 7, 1880; court, com. pleas; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston, room No. —, 3rd floor; address, Delavan, Isidore; sworn, yes; nativity, France; color, white; term of residence, election, district, five years; assembly district, five years; county, thirty-one years; State, thirty-one years; naturalized, yes; date of papers, Oct. 19, 1866; court, com. pleas; qualified voter, yes; date of application —; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston, room No. —; address, Hoseneustein, Carl J.; sworn, yes; nativity, U. S.; color, *U. S. color*, white; term of residence, election district, three months; assembly district, three months; county, one year; State, twenty-one years; naturalized, native; date

of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston, room No. —, 1st floor; address, Luschner, John; sworn, yes; nativity, Germany; color, white; term of residence, election district, two months; assembly district, two
661 months; county, one year; State, one year; naturalized, yes; date of papers, Oct. 23d, 1884; court, superior; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 2d floor; — Doody, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, fourteen years; assembly district, fourteen years; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston; room No. —; address, Chaptuit, Jean C.; sworn, yes; nativity, France; color, white; term of residence, election district, eight years; assembly district, eight years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, Oct. 11 1869; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 25 Houston, room No. — 2d floor; address, Dwyer, C. John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty-three years; assembly district, twenty-three years; county, twenty-three years; State, twenty-three years; naturalized, yes; date of papers Oct. 14, 1872; court, com. pleas; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 25 Houston, room No. —; address, Turner, Samuel; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, ten years; county,
662 fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqual*qual*ified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 25 Houston, room No. — 1st floor; address, Heinecke, Edward W.; sworn, yes; nativity, Germany; color, white; term of resid*nece*, election district, seven years; assembly district, seven years; county, twenty-seven years; State, twenty-seven years; naturalized, yes; date of papers, Oct. 14th, 1866; court, com. pleas.; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 2d floor; address, Haroth,

Theodore; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years; county, six years; State, six years; naturalized, yes; date of papers Oct. 21, '72; court, superior; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston, room No. — basement; address, Cuozzo, Donato; sworn, yes; nativity, Italy; color, white; term of residence, election district, eight years; assembly district, eight years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers Nov. 22, '83; court, superior; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

663 Residence, 21 Houston, room No. — store; address, Durhanna, Patrick J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, —; date of papers, April 12, 1842; court, com. pleas.; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston St. room No. —, 2d floor; address, Lynch, Frederick E.; sworn, yes; nativity, Illinois; color, white; term of residence, election district, eight years; assembly district, eight years; countym sixteen years; State, sixteen years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, ...

Residence, 21 Houston St. room No. —; store, address, Heindel, Joseph; sworn, yes; nativity, Austria; color, white; term of residence, election district, seven years; assembly district, seven years; county, twelve years; State, twelve years; naturalized, yes; date of papers, June 23, 1881; court, com. pleas; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, ...; remarks, ...

Residence, 21 Houston, room No. —; store; address, Heindel, Joseph, Jr.; sworn, yes; nativity, Austria; color, white; term of residence, election district, seven years; assembly district, seven years; county, twelve years; State, twelve years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, challenged, — remarks, votes on father's papers.

664 Residence, 27 Houston, room No. — basement; address Roos, Ludwig; sworn, yes; nativity, Germany; color, white; term of residence, election district, six years; assembly district, six years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers Oct. 17th, 1874; court, com. pleas; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 4 Jersey, room No. —; address, Keilher, Patrick; swor-, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 15, 1880; court, superior; qualified voter, yes; date of application, Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 4 Jersey St., room No. —, 2d floor; address, Pisana, Donato; sworn, yes; nativity, Italy; color, white; term of residence, election district, nine months; assembly district, nine months; county, ten years; State, ten years; naturalized, yes; date of papers Oct. 18, 1883; court, com. pleas; qualified voter, yes; date of application, Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 5 Jersey St., room No. — 2d floor; address, Myerhaffer, George; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, nine months; assembly district, nine months; county, forty years; State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

665 Residence, 7 Jersey St.; room No. — 1st floor; address, Sasso, Michelo; sworn, yes; nativaty, Italy; color, white; term of residence, election district, three years; assembly district, three years; county, thirteen years; State, thirteen years; naturalized, —; date of papers, May 27, '81; court, superior; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 82 Spring St. room No. — top floor; address, Marinnula, Guisippe; sworn, yes; nativity, Italy; color, white; term of residence, election district, eight months; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, yes; date of papers, Oct. 15th, '79; court, com. pleas; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 83 Spring, room No. — 1st —; address, Lenz, John J.; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, yes; date of papers July 22d, 1862; court, com. pleas; qualified voter, yes; date of application October 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — 3d floor; address, Baden, Alcide; sworn, yes; nativity, France; color, white; term of residence, election district, one year; assembly district, ten years; county, thirty-four years; State, thirty-four years; naturalized, yes; date of papers, Oct. 18, '63; court, com. pleas; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

666 Residence, 83 Spring St., room No. — 2d floor; address, Weber, Aug.; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 18, 1878; court, superior; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 83 Spring St., room No. —, top floor; address, Grunderg, Naftale; sworn, yes; nativity, Austria; color, white; term of residence, election district, six months; assembly district, six months; county, eleven years; State, eleven years; naturalized, yes; date of papers Aug. 20, 1883; court, superior; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 65 Prince, room No. —, house; address, Clancy, Charles M.; sworn, yes; nativity, Ireland; color, W.; term of residence, election district, seven years; assembly district, twenty years; county, forty-two years; State, forty-two years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 65 Prince, room No. — house; address, O'Donnell, Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven years; assembly district, seven years; county, twenty-two years; State, twenty-two years; naturalized, native; court, —; date of papers, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November —; challenged, —; remarks, —.

667 Residence, 432 Broome; room No. — 3d floor; address, Fuchs, George; sworn, yes; nativity, Germany; color, white; term of residence, election district, four years; assembly district, four years; county, nineteen years; State, nineteen years; naturalized, yes; date of papers, Oct. 18, 1876; court, com. pleas; qualified voter, yes; date of application, Oct. 7th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 11 E. Houston St., room No. — 4th —; address, McGeough, Frank J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district one year; assembly district, twenty years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 11 E. Houston, room No. — 3d floor; address, Paine, John; sworn, yes; nativity, Spain; color, white; term of residence, election district one year; assembly district, one year; county, one year; State, twenty-six years; naturalized, yes; date of papers, Oct. 14, 1868; court, city ct. Brooklyn; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 7 E. Houston, room No. — 1st —; address, Corker, Robert; sworn, yes; nativity, S. C.; color, colored; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

668 Residence, 11 E. Houston; room No. — 3d —; address, McGloin, Edward J.; sworn, yes; nativity, U. S.; color, white; term of residence, election district, four months; assembly district, four months; county, forty years; State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, ...

Residence, 10 Jersey St., room No. — 1st floor; address, Guirato, Michele; sworn, yes; nativity, Italy; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, fourteen years, State, fourteen years; naturalized, yes; date of papers, July 11, 1879; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified —; date of erasing name, —; voted November, —; challenged; remarks, ...

Residence, 10 Jersey St., room No. — 1st floor; address, Farnella, Trospero; sworn, yes; nativity, Italy; color, white; term of residence, election district, nine years; assembly district nine years; county, twelve years; State, twelve years; naturalized, yes; date of papers, Sept. 24th; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 10 Jersey St.; room No. — 3d floor; address, Agugak, Rocco Michelle; sworn, yes; nativity, Italy; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers May 6, 1884; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, ...; remarks, ...

669 Residence, 2½ Jersey St., room No. — 1st floor; address, Melle, Pasquale; sworn, yes; nativity, Italy; color, white; term of residence, election district, seven years; assembly district, seven years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers May, 1879; court, superior; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 13 Jersey St., room No. — 2d floor; address, Flora, Carininadi; sworn, yes; nativity, Italy; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, yes; date of papers April 15, 1880; court, superior; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 792; address, Nash, Job M.; sworn, yes; nativity, Ohio; color, white; term of residence, election district, two years; assembly district, two years; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — house; address, Clair, Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

670 Residence, 584 Broadway, room No. 555; address, Steinbeck, Millard F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five months; assembly district, five months; county, one year; State, one year; naturalized, native; date of papers, —; court,—; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 580; address, Seymour, Frank; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, thirty-five years; State, thirty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 503; address, Keith, Otis M.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — 4th —; address, Knickbocker, John E.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, four months; county, one year; State, — year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

671 Residence, 584 Broadway, room No. 575; address, Conlon, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers 16 Sept. 1880; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 576; address, Bennett, Thomas F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month; assembly district, eight years; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 560; address, Victory, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Oct. 7, '72; court, sessions, Philadelphia; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted, November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 264; address, Bates, K. Charles; sworn, yes; nativity, Vermont; color, white; term of residence, election district, six months; assembly district, six months; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 25th; why disqualified —; date of erasing name, —;
672 voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway; room No. 383; address, Mitchell, Peter; sworn, yes; nativity, Scotland; color, white; term of residence, election district, three months; assembly district, three months; county, twenty years; State, twenty years; naturalized, yes; date of papers May, 1866; court, com. pleas; qualified voter yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 252; address, Otter, M. John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 25 E. Houston, room No. — 3d floor; address, Curtis, Theodore; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

673 We, the undersigned, inspectors of election, in the sixteenth election district, of the third assembly district, of the city and county of New York, do jointly and severally certify, that at the general registration of voters, held in the said election district, on the 7th and 15th days of October, and the 24th and 25th days of October, in the year 1884, there were registered by us as qualified

voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is 201, two hundred and one.

Dated New York, October 25, 1884.

JOHN McCUE.
THOMAS MACKLIN.
JAMES F. MACKEY.
JOHN HAYES.

674 "EXHIBIT 'E'—JACOB SMITH, JR."

I, Charles S. Whitman, notary public, in and for the county of New York and State of New York, certify that the said Jacob Smith, Jr., witness, wrote in my presence the said words "Exhibit E" and subscribed his name thereto, and that this "Exhibit E" is the identical "Exhibit E" which said witness made part of his answer to question No. 6 of this his deposition and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County, State of New York.

(Internal revenue 10 cts. Canceled Feb. 9, 1898. C. S. W.)

675 Election Bureau Copy.

Register of Voters of the First—1st—Election District of the Seventh—7th—Assembly District of the City of New York, 1888.

The board of inspectors must enter in this register the names of all persons registered on each registration day and certify the same, and within forty-eight hours after their adjournment on the last day of any general registration, file it in the office of the chief of the bureau of election, in compliance with section 1861 of chapter 410 of the Laws of 1882, cited as the New York city consolidation act.

SEC. 1861. The inspectors of election in each election district shall, on each day of any general registration, before adjourning, enter into each of two books prepared for that purpose, one of which shall be known as a "public copy" of the registers, and the other of which shall be known as the "election bureau copy" of the registers, all such names and residences, and all such data, information and statements, as during the day have been entered by the inspectors of election in the registers provided in this chapter. And the whole six books, shall on each of said days, after the completion of such copies of the register, be carefully compared throughout, so that each of the registers and the copies thereof shall, in every respect, agree with each other, and contain the name and residence of each person who shall have applied for registration, and the

676 facts respecting him as the same shall have been stated by him, and entered in the registers as provided in this chapter. These said inspectors shall, on the last day of any general registration, certify each of said copies in the same manner as if it was an original, and within forty-eight hours after their adjournment on said last day of any such general registration shall file the "election bureau copy" of the registers with the chief of the bureau of elections at his office, where the same shall be carefully preserved.

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678 Register of Voters of the First—1—Election District of the Seventh—7—Assembly District of the City of New York, 1888.

Residence, 665 Broadway, room No. 26, address, McCarthy, Crawford; sworn, yes; nativity, Ky.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 665 Broadway, room No. 10, address Seymour, Charles A., sworn, yes; nativity, N. Y.; color, white; term of residence

election district, six months; assembly district, six months; county, twenty years; State, twenty years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 9, '88; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, ...; remarks, ...

Residence, 665 Broadway, room No. 19; address, Reed, Isaac G.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 665 Broadway, room No. 17; address, Whiting, Samuel M.; sworn, yes; nativity, N. Y.; color, white; term of resi-
679 dence, election district, four months; assembly district, four months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 27, 1888; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 665 Broadway, room No. 14; address, Powers, Lewis; sworn, yes; nativity, England; color, white; term of residence, election district, six months; assembly district six months; county, ten years; State, ten years; naturalized, yes; date of papers, papers mislaid; court, —; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 665 Broadway, room No. 20; address, Harker, Elbridge G.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, four months; assembly district, four months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted, November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room 634; address, Swanzey, Andrew; sworn, yes; nativity, Illinois; color, white; term of residence, election district one year; assembly district one year; county, one year; State, one year; naturalized, —; date of papers, —;
680 court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway; room No. 637; address Hoffer, William M.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, four years; assembly district, four years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —;

Residence, 671 Broadway, room No. 621; address, Hedges, James A.; sworn, yes; nativity, Ohi-; color, white, term of residence, elec-

tion district, eight years; assembly district, eight years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. —; address, Martin, Benj.; sworn yes; nativity, N. Y.; color, white, term of residence, election district, three years; assembly district, three years; county, three years, State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, —;
681 challenged, —; remarks, —.

Residence, 671 Broadway, room No. 844; address Ballard, Sumner, sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9th, —; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence 671 Broadway; room No. 518; address, Smoot, Samuel S.; sworn, yes; nativity, D. C.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. — 568; address, Sprague, Charles; sworn, yes; nativity, Ohio; color, white; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway; room No. 619; address, Calir, Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month; assembly district, one month; county,
682 five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 664; address, Barnett, Henry W.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 428; address, Morgan, Bankson T.; sworn, yes; nativity, Penn; color, white; term of residence,

election district, one months; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway; room No. 805; address, Hamberger, Samuel B.; sworn, yes; nativity, U. S.; color white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted Novem-
683 ber, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 763; address, Lowery, John G.; sworn, yes; nativity, Va.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway; room No. —; address, McGowan, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district three years; assembly district, three years; county, years; State, three years; naturalized, yes; date of papers, Oct. 26, 1860; court, com. pleas; qualified voter, yes; date of application Oct. 9th; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 528; address, Weed, William A.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 421; address, Jones, George D.; sworn, yes; nativity, Ohio; color, white; term of residence,
684 election district, one year; assembly district, one year; county, forty years; State forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, ...; remarks, ...

Residence, 671 Broadway, room 211; address, Fayman, William H.; sworn, yes; nativity, Va.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 631; address, Perkins, William D.; sworn, yes; nativity, Me.; color, white; term of residence,

election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room 643; address, Deisinger, James B.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; *why dis* why dis-
685 qualified, —; date of erasing name, —; voted November, —; challenged, —; remarks.

Residence, 671 Broadway, room No. 746; address, Jones, William A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 334; address, Cummings, Albert B.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 574; address, Thompson, Ethan B. Jr.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; *county* seven years; naturalized, —; date of papers, —; court, ...; qualified voter, yes; date of application, Oct. 9th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 545; address, Wetzel, Charles H.; sworn, yes; nativity, Penn.; color, white; term of resi-
686 dence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 880; address, Wilson, John C.; sworn, yes; nativity, Indiana; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 532; address, Banzinger, Edward; sworn, yes; nativity, La.; color, white; term of residence,

election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 767; address, Davis, Elihue T.; sworn, yes; nativity, Indiana; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17th; why disqualified, —; date of erasing name, —; voted Nov., —; challenged, —; remarks, —.

687 Residence, 671 Broadway, room No. 802; address, Francis, Joseph H.; sworn, yes; nativity, Ala.; color, white; term of residence, election district, five years; assembly district, five years; county five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 671 Broadway, room No. 346, address, Martinez, Emanuel A.; sworn, yes; nativity, France; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, March 23, '78; court, superior; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 848; address, Calm, David; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, no papers, shown; court, —; qualified voter, —; date of application Oct. 17th; why disqualified, —; date of erasing name —; voted November, —; challenged —; remarks, swe-rs citizen on father's papers.

Residence, 671 Broadway, room No. 518; address, Smoot, Albert B.; sworn, yes; nativity, N. Y.; color, white; term of resi-
688 dence, election district, one year, assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 755; address, Adams, Charles E.; sworn, yes; nativity, Me.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; —; remarks, —.

Residence, 671 Broadway, room No. 722, address, Robbins, Edward M.; sworn, yes; nativity, Conn.; color, white; term of resi-

dence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, remarks, —.

Residence, 671 Broadway, room No. —; basement; address, Mortimer, James; sworn, yes, nativity, Penn.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct.
689 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 771 Broadway, room No. 727; address, Curtiss, Frank D.; sworn, yes; nativity, Ohio; color, white; term of residence, election district, one months; assembly district, one months; county, one month; State, one year; naturalized, —; date of papers,—; court, —; qualified voter, yes; date of application, Oct. 17th; why disqualified, —; date of erasing name, —; voted November,—; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 509; address, Tapferwein, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, —; naturalized, yes; date of papers Oct. 24th, '79; court, com. pleas; qualified voter, yes; date of application Oct. 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 717; address, Nesbit, William H.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 632; address, Stebbins,
690 Samuel; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 886; address, Kennedy, Matthew; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, three months; county, six months; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 26th; why disqualified, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 542; address, Nash, Job M.; sworn, yes; nativity, Ohio; color, white; term of residence, election

district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, ...; qualified voter, yes; date of application Oct. 26th; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 640; address, Kinsley, William; sworn, yes; nativity, U. S.; color, white; term of residence, election district, forty years; assembly district, forty years; county, forty years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 671 Broadway, room No. 654; address, Healey, John W.; sworn, yes; nativity, Ireland; color, white; term of residence, — ten years; county, ten years; State, ten years; naturalized, yes; date of papers, Oct. 13, '84; court, U. S. district; qualified voter, yes; date of application, Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 671 Broadway, room No. 800; address, Thornton, Henry W.; sworn, yes; nativity, Ala.; color, white; term of residence, election district, three months; assembly district, three months; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26; why disqualified, —; date of erasing name,—; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 830, address, Oppenheimer, Ernest, sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 7, '86; court, U. S. district; qualified voter, yes; date of application Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 671 Broadway, room No. 747; address, Wells, Sydney J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 27th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 671 Broadway, room No. 713; address, Daetzer, Herman; sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, yes; date of papers, March 19, '66; court, com. pleas; qualified voter, yes; date of application Oct. 27th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 681 Broadway, room No. —, 2d floor; address, Coe, Norman L.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten years; assembly district, ten years;

county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 681 Broadway, room No. —, 3d floor; address, Hersey, Boardman B.; sworn, yes; nativity, Me.; color, white; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 26th, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 685 Broadway, room No. —, house; address, Merriss, Charles F.; sworn, yes; nativity, R. I.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified, voter, yes; date of application Oct. 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 685 Broadway, room No. —, store; address, Spaulding, Marillo P.; sworn, yes; nativity, Vt.; color, white; term of residence, election district; six months; assembly district, six months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 697 Broadway, room No. —, 2d floor; address, McGowan, Bernard; sworn, yes; nativity, Ireland; color, white; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, yes; date of papers, Oct. 22, '68; court, Ulster county court, house; qualified voter, yes; date of application Oct. 9th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 214 Mercer, room No. — house; address, Billington, Elisha M.; sworn, yes; nativity, R. I.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 214 Mercer St., room No. — store; address, Mellville, Geo. W; sworn, affirmed; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State one year; naturalized, —; date of papers, —; court,—; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 225 Mercer St., room No. — 2d floor; address, Gerard, Marten; sworn, yes; nativity, N. Y.; color, white; term of residence,

election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 225 Mercer St., room No. — 2d floor; address, Geray, John J.; sworn, yes; nativity, Miss.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 225 Mercer St., room No. — top floor; address, Ringen, Claus; sworn, yes; nativity, Germany; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, yes; date of papers, Oct. 19, '85; court, com. pleas; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 225 Mercer St., room No. — top floor; address, Ernst, Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 225 Mercer St., room No. — 2d floor; address, Fajen, Henry; sworn, yes; nativity, Germany; color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, —; date of papers, Oct. 26, '88; court, U. S. district, qualified voter, yes; date of application, Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 227 Mercer St.; room No. — top floor; address, Carter, James; sworn, yes; nativity, Va.; color, col.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, ...; court, —; qualified voter, yes; date of application Oct. 26th; why disqualified, —; date of erasing name —; voted November, ...; challenged, ...; remarks, ...

Res. 235 Mercer St., room No. — top floor; address, Rappo, Antonio; sworn, yes; nativity, Italy, color, white; term of residence, election district, ten months; assembly district, ten months; county, twenty years; State twenty years; naturalized, yes; date of papers, Jan. 4, 1879; court, com. pleas; qualified voter, yes; date of application Oct. 9, '88; why disqualified —; date of erasing name —; voted November, ...; challenged, ...; remarks, ...

Residence, 235 Mercer St., room No. —, 1st floor; address, De-

ferrari, John; sworn, yes; nativity, Italy; color, white; term of residence, election district, five years; assembly district, five years; county five years; State, five years, naturalized, yes; date of papers, Sept. 22d, 1884; court, com. pleas; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, —.

697 Residence, 235 Mercer St., room No. — 2d floor; address, Jennings, Benj. B.; sworn, yes; nativity, Md.; color, white; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 235 Mercer St., room No. — 3d floor; address, Scrimaglio, Cristofaro; sworn, yes; nativity, Italy; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, yes; date of papers, Oct. 24th, '88; court, U. S. district; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November —; challenged, —; remarks, —.

Residence, 235 Mercer St., room No. — 2d floor; address, Guglielinio, Tomasula; sworn, yes; nativity, Italy; color, white; term of residence, election district, two months; assembly district, two months; county, five years; State two years; naturalized, yes; date of papers, Feb. 8, '87; court, com. pleas; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

698 Residence, 241 Mercer St., room No. — house; address, Nicholas, Anthony; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 241 Mercer St., room No. — house; address, Miller, Garry V.; sworn, yes, nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 251 Mercer St., room No. — top floor; address, Clyburn, James F.; sworn, yes; nativity, S. C.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 251 Mercer St., room No. — house; address, Funai,

Antonio C.; sworn, yes; nativity, Italy; color, white; term of residence, election district five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of
699 papers, Oct. 24th, '73; court, com. pleas; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 260½ Mercer St.; room No. — store; address, Vogt, August; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county five years; naturalized, yes; date of papers, Dec. 2, '86; court, com. pleas; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 188 Greene St., room No. — 1st floor; address, Koehl, John; sworn, yes; nativity, Switzerland; color, white; term of residence, election district five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers May 4, '58; court, com. pleas; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 194 Greene St., room No. — store; address, Martin, Louis; sworn, yes; nativity, France; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 17, '82; court, superior; qualified voter, yes; date of
700 application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 194½ Greene St., room No. — 2d floor; address, Stweart, William A.; sworn, yes; nativity, N. C.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 194½ Greene St., room No. — top floor; address, Beaumont, Louis; sworn, yes; nativity, Ill.; color, col.; term of residence, election district four months; assembly district, four months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 194½ Greene St., room No. — 1st floor; address, Cooper, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district; five years; assembly district, five years; county, five years; State five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 194½ Greene St., room No. ... 2d floor; address, Miller,

William; sworn, yes; nativity, Penn.; color, col.; term of resi-
701 dence, election district, two years; assembly district, two years; county, two years; State two years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, — Craney, Jas. M.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district one year; county, one year; State, one year; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 196 Greene St., room No. ... basement; address, Harding, Jas.; sworn, yes; nativity, N. Y.; color, col.; term of residence, election district, six months; assembly district, six months; county, ten years; State, ten years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing, name, —; voted November, —; challenged, —; remarks, —.

Residence, 196 Greene St., room No. ... top floor; address, Francis, Louis; sworn, yes; nativity, N. C.; color, col.; term of residence, election district six months; assembly district, six months; county, five years; State, five years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26,
702 '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, ...

Residence, 196 Greene St., room No. — top floor; address, Johnson, Geo. W.; *sownr*, yes; nativity, Pa.; color, colored; term of residence, election district; three months; assembly district, three months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 196 Greene St., room No. — 1st floor; address, Pender, William; sworn, yes; nativity, Ohio; color, colored; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified, voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 196 Greene St., room No. — top floor; address, Jones, Joseph; sworn yes; nativity, N. Y.; color, colored; term of residence, election district, five months; assembly district, five months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 198 Greene St., room No. — basement; address, Mobet, Pierre; sworn, yes; nativity, France; color, white; term of residence,

election district, two years; assembly district, two years;
703 county, two years; State, two years; naturalized, yes; date of papers, Oct. 13, '76; court, superior; qualified voter, yes; date of application Oct. 17th, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 198 Greene St., room No. —2d fl. floor; address, Holden, Edward; sworn, yes; nativity, N. Y.; color, colored; term of residence, election district, three months; assembly district, three months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 198 Greene St., room No. — 1st floor; address, Merriweather, Ruben; sworn, yes; nativity, Va.; color, colored; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 26th, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 198 Greene St., room No. — top floor; address, John McCue; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Oct.
16, '67; court, com. pleas; qualified voter, yes; date of appli-
704 cation, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 200 Greene St., room No. — top floor; address, Redding, James; sworn, yes; nativity, N. Y.; color, colored; term of residence, election district, six months; assembly district, six months; county ten years; State ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 200 Greene St., room No. — 2d floor; address, Snipe, Ancil; sworn, yes; nativity, S. C.; color, colored; term of residence, election district two years; State, two years; naturalized, —; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 200½ Greene St., room No. — top floor; address, Jasper, Steven F.; sworn, yes; nativity, Va.; color, col.; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; challenged, —; remarks, —.

Residence, 200½ Greene St., room No. — 1st floor; address, Holcomb, Aaron; sworn, yes; nativity, Penn.; color, col.; term of
705 residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of applica-

tion Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20½ Green St., room No. —; 2d floor; address, Salters, Benjamin; sworn, yes; nativity, N. Y.; color, col.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20½ Green St., room No. — 3d floor; address, Holcomb, Jos. A.; sworn, yes; nativity, N. Y.; color, col.; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, 1888; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20½ Green St., room No. — 2d floor; address, Palazzi, Francesco; sworn, yes; nativity, Italy; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State two years; naturalized, yes; date of papers, Oct. 15, '85; court, superior; qualified voter, yes; date of
706 application, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 208 Greene St., room No. — 1st floor; address, Flick, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 8, '88; court, superior; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 208 Greene St., room No. — 1st floor; address, Ziegler, Christian; sworn, yes; nativity, German-; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, Oct. 7, '72; court, superior; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 208 Greene St., room No. — 1st floor; address, Forester, Henry; sworn, yes; nativity, Germany; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, Oct. 18, '83; court, superior, qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 81 Bleecker St.; room No. — house; address,
707 Frey, Simon; sworn, yes; nativity, Austria; color, white; term of residence, election district, five years; assembly district five years; county, five years; State, five years; naturalized, yes

date of papers, Oct. 17, '82; court, com. pleas; qualified voter, yes; date of application, Oct. 26, '88; why disqualified, —; date of erasing name,—; voted November, —; challenged, —; remarks, —.

Residence, 81 Bleecker St., room No. — house; address, Greene, Morris; sworn, yes; nativity, Austria; color, white; term of residence, election district, two years; assembly district two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 1, '86; court, com. pleas.; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 87 Bleecker St., room No. — house; address, Kallman, Jacob; sworn, yes; nativity, Germany; color, white; term of residence, election district, eighteen years; assembly district, eighteen years; county, eighteen years; State, eighteen years; naturalized, yes; date of papers Sept. 23, 1866; court, U. S. district; qualified voter, yes; date of application Oct. 9, 1888; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 87 Bleecker St. room No. — house; address, Singleton, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, one year; county one year; State, one year; naturalized, yes; date of papers,
708 Oct. 23, '66; court, U. S. circuit; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 208 Bleecker St., room No. — 2d floor; address, Toliver, John; sworn, yes; nativity, Va.; color, col.; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 26th, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 93 Bleecker St., room No. — house; address, Barrey, Geo. W.; sworn, yes; nativity, England; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, to be brought; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 105 Bleecker St., room No. — house; address, Ryan, Thomas; sworn, yes, nativity, Ireland; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 22, '67; court, superior; qualified voter, yes; date of application Oct. 9, 1888; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

709 Residence, 4 W. Third St.; room No. — house; address, Sagin, Samuel; sworn, yes; nativity, England; color, white;

term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, July 8, '86; court, com. pleas; qualified voter, yes; date of application, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 6 West 3d St., room No. — house; address, Cohen, Henry; sworn, affirms; nativity, Russia; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 23, '83; court, com. pleas; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 6 W. 3d St.; room No. — house; address, Worden, John J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 6 West 3d St., room No. — house; address, Viemiester, Henry; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —;
710 qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 6 West 3d St., room No. — house, address, Lamert, Ernest H.; sworn, yes; nativity, Germany; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, Oct. 22, '84; court, com. pleas; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 8 West 3d St., room No. — house; address, Peiti, Ernest; sworn, yes; nativity, France; color, white; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, yes; date of papers, Oct. 13, '87; court, com. pleas; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 10 West 3d, room No. — house; address, Bailly, Alphonse; sworn, yes; nativity, France; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 22, '88; court, com. pleas; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

711 Residence, 11 West 3rd St., room No. — 1st floor; address, Rohr, Thomas; sworn, yes; nativity, Germany; color, white;

term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, yes; date of papers Oct. 14, '84; court, superior; qualified voter, yes; date of application Oct. 29, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 11 West 3d St., room No. — 1st floor; address, Girdes, Herman, sworn, yes; nativity, Germany; color, white; election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, yes; date of papers, Oct. 9, '79; court, superior; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 12 West 3d St., room No. — 3d floor; address, Linton, Fred W.; sworn, yes; nativity, Ga.; color, col.; term of residence, election district, ten months; assembly district, ten months; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified —; date of erasing name, —; challenged, —; remarks, —.

Residence, 12 W. 3d St., room No. — 3d floor; address, Strange, David; sworn; yes; nativity, Va.; color, col.; term of residence, election district, six months; assembly district, six months;
712 county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 12 W. 3d St., room No. — 2d floor; address, Gillence, Jos.; sworn, yes; nativity, S. C.; color, col.; term of residence, election district, six months; assembly district, six months; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 12 W. 3d St., room No. — 2d floor; address, Peterson, Charles; sworn, yes; nativity, Va.; color, col.; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 12 West 3d St., room No. — 3d floor; address, Smith, Andrew J.; sworn, yes; nativity, Va.; color, col.; term of residence election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

713 Residence, 12 West —d St., room No. — 3rd floor; address, Davis, George D.; sworn, yes; nativity, Va.; color, col.; term of

residence, election district, one months; assembly district, one month; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 12 West 3d St., room No. — 3rd floor; address, Smallwood, Marcellus; sworn, yes; nativity, D. C.; color, col.; term of residence, election district two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 12 W. 3d St., room No. — 2d floor; address, Williams, John J.; sworn, yes; nativity, N. C.; color, col.; term of residence, election district, three months; assembly district, three months; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 12 West 3d St., room No. — 2nd floor; address, Greene, Thaddeus, sworn, yes; nativity, Vir.; color, col.; term of residence, election district, one month; assembly district, one month;
714 county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Res. 12 West 3d St., room No. — 2nd floor; address, Scruggs, George; sworn, yes; nativity, Va.; color, col.; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 12 West 3d St., room No. — 2nd floor; address, Epps, Henry; sworn, yes; nativity, Ga.; color, colored; term of residence, election district, three months; assembly district, three months; county, two years; State, two years; naturalized, — date of papers, —; court, —; qualified voter, yes; date of application, October 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 12 West 3d St., room No. — 2nd floor; address, Prince, Geo. E.; sworn, yes; nativity, Ga.; color, col.; term of residence, election district three months; assembly district, three months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct.
715 27, '88; why disqualified, —; date of erasing name, —; voted November, — challenged, —; remarks, —.

Residence, 14 West 3d St., room No. — top floor; address, McGowan, John J.; sworn, yes; nativity, U. S.; color, white; term of

residence, election district, one year; assembly district, one year; State, one year; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 14 West 3d St., room No. — house; address, Oberender, John; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Feb. 6, '60; court, C. P.; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 14 West 3d St., room No. — 2d floor; address, Aloncle, George A.; sworn, yes; nativity, France; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 6, '80; superior court; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

716 Residence, 14 West, 3d St., room No. — 2nd floor; address, Ludwig, Fred S.; sworn, yes; nativity, Germany; term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, yes; date of papers, Oct. 16, '68; court, superior; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 14 West 3d St., room No.— top floor; address, Aloncle, Julian; sworn, affirms; nativity, N. Y.; color white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 14 West 3d St., room No. — 2nd floor; address, McGurn, Edward; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State one year; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application Oct. 26, '88; why disqualified —; date of erasing name, —; voted, November, ...; challenged, —; remarks, —.

717 Residence, 14 West 3d St., room No. — top floor; address, Kelly, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 16 West 3d St. room No.— basement; address, Kumpa, Albert L.; sworn, yes; nativity, Germany; color, white; term of

residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 16 W. 3d St.; room No. — basement; address, Kumpa, John; sworn, yes; nativity, Germany; color, white; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, Oct. 16, 1870; court, com. pleas; qualified voter, yes; date of application Oct. 17th; why disqualified, —; date of erasing name, — voted November, —; challenged, —; remarks, —.

Residence, 16 West 3d St., room No. — 2nd floor; address, Siffer, Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; qualified voter, yes; date of application, Oct. 17, 1888; why disqualified, —; date of erasing name, —; voted November, —; chal-
718 lenged, —; remarks, —.

Residence, 16 West 3d St., room No. — 3d floor; address, Burnant, Lewis; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17, '83; why disqualified, —; date of erasing name, —; voted November, —; challenged, —, remarks, —.

Residence, 17 West 3d St., room No. — 3rd floor; address, Irmer, Leopold; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district eight years; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 24, '84; court, U. S. district; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 17 West 3rd St., room No. — 2nd floor; address, Reddington, Jos. F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voted, yes; date of application Oct. 9, 1888; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 17 West 3d St., room No. — store; address, Telissier, Antonio; sworn, yes; nativity, France; color, white; term of
719 residence, election district, four years; assembly district four years; county, four years; State, four years; naturalized, yes; date of papers, Oct. 19, '86; court, superior; qualified voter, yes; date of application, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 18 West 3d St., room No. — 3rd floor; address, Demeslay, Dominque; sworn, yes; nativity, France; color, white; term of

residence, election district one year; assembly district one year; county, one year; State, one year; naturalized, yes; date of papers, May 26, '79; court, com. pleas; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence 18 West 3d St., room No. — 1st floor; address, Phillippot, Peter; sworn, yes; nativity, France; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, April 28, '79; court, com. pleas; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, —.

Residence, 19 West 3d St., room No. ... house; address, Neumann, Alwin; sworn, yes: nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Nov. 28, '87; court, com. pleas; qualified voter, yes; date of
720 application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November ...; challenged, —; remarks, —.

Residence, 20 West 3d St., room No. — top floor; address, Madden, Dennis; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months, assembly district six months; county, five years, State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20 West 3d St., room No. — 3rd floor; address, Gilbert, Lewis, Jr.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two year; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, 88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20 West 3d St., room No. — 2nd floor; address, Francois, Phillipe; sworn, yes; nativity, France, color, white; term of residence, election district, two months; assembly district two months; county, one year; State, one year; naturalized, yes; date of papers, March 21, '82; court, com. pleas; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

721 Residence, 20 West 3d St. room No. — house; address, Liagre, Lewis J.; sworn, yes; nativity, Belg.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 23, '84; court, superior; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20 West 3d St., room No. — 2nd floor; address,

Pinquet, Horace C: sworn, yes; nativity, Eng.; color white; term of residence, election district, one year; assembly district, one year; county one year; State, one year; naturalized, yes; date of papers, Oct. 8, '84; court, superior; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20 West 3d St., room No. — 2d floor; address, Mayer, Ernest; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Oct. 22, '88; court, com. pleas; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20 West 3d St., room No. — 1st floor; address, Gilbert Lewis Sr.; sworn, yes; nativity, France; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one yea-; naturalized, yes; date
722 of papers Oct. 16, 1883; court, com. pleas; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 West 3d St., room No. 6, address, Foley, Francis; sworn, yes; nativity, Eng.; color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, yes; date of papers, April 12, '88; court, superior; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 West 3rd St., room No. — top floor; address, Treanor, James B.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month; assembly district, one month; county, ten years; State ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 West 3rd St. room No. 4 address, Riley, John F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, three months; county four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —;
723 challenged, —; remarks, —.

Residence, 21 West 3d St., room No. 1; address, Noyes, George W.; sworn, yes; nativity, Me.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application. Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 West 3d St., room No. — basement; address, Gehrung, Fred G.; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Oct. 26, '71; court, superior; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 West 3d St.; room No. — 1st floor; address, Heyder, Charles; sworn, yes; nativity, N. J.; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 25 West 3d St.; room No. — 1st floor; address, Wagner, Edward; sworn, yes; nativity, N. Y.; color, white; term of
724 residence, election district, two months; assembly district, two months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 29 West 3d St., room No. — house; address, Lynch, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; *county, five years;* State five years; naturalized, yes; date of papers, Sept. 14, '75; court, com. pleas; qualified voter, yes; date of application, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 4½ West 4th St., room No. — store; address, Manns, Phillip B.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 8 West 4th St., room No. — 2nd floor; address, Eiseman, Leopold, sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Oct. 6, '74; court, com. pleas; qualified voter, yes; date of
725 application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 12 West 4th St. room No. — basement; address, Mannkopf, Carl; sworn, yes; nativity, Germany; color, white; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, yes; date of papers, April 20, '87; court, com. pleas; qualified voter, yes; date of application, Oct. 26, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 14 West 4th St., room No. — 1st floor; address, Holst, John; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers Oct. 22, '74; court, Brooklyn city court; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 14 West 4th St., room No. — 2d floor; address, Diable, George W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November —; challenged, —; remarks, —.

726 Residence, 14 West 4th St., room No. — 3d floor; address, Carroll, Michael; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 18 West 4th St., room No. — 2nd floor; address, Barnes, Chas. E.; sworn, yes; nativity, Wis.; color, white; term of residence, election district, one month; assembly district, one month; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 18 West 4th St., room No. — basement; address, Lass, Charles; sworn, yes; nativity, Germany; color, white, term of residence, election district, three months; assembly district, three years; county, three years; State, three years; naturalized, yes; date of papers, Oct. 24, '67; court, com. pleas; qualified voter, yes; date of application, Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 20 West 4th St., room No. — 3d floor; address, Alfeld, Frank; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of
727 papers Oct. 21, '58; court, Monroe county court; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 22 West 4th St., room No. — upper part; address, Johanson, Carl; sworn, yes; nativity, Sweden; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, years; date of papers, Sept. 27, '80; court, com. pleas; qualified voter, yes;

date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 22 West 4th St., room No. — 3rd floor; address, Larson, Johan W.; sworn, yes; nativity, Sweden; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, Sept. 19, '87; court, com. pleas; qualified voter, yes; date of application Oct. 17, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 22 West 4th St., room No. — 1st floor; address, Silva, Raphael T.; sworn, yes; nativity, France; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, May 4, '74; court, superior; qualified voter, yes; date of application Oct. 27, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

728 Residence, 22 West 4th St., room No. — 2d floor; address Erikson, Charley I.; sworn, yes; nativity, Sweden, color, white; term of residence, election district two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 22, '85; court, com. pleas; qualified voter, yes; date of application Oct. 27, '88; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 28 West 4th St. room No. — house; address Horst, Valentine; sworn, yes; nativity, Germany; color, white; term of residence, election district, three years; assembly district, three years; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers Oct. 19, '65; court, superior; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 28 West 4th St.; room No. — top floor; address, Dirk, Gustav; sworn, yes; nativity, Germany; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, Oct. 3, '84; court, superior; qualified voter, yes; date of application Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 28 West 4th St., room No. — top floor; address, Hanselman, John L.; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, Oct. 21, '87; court, com. pleas; qualified voter, yes; date of application, Oct. 9, '88; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

729 Residence, 28 West 4th St., room No. —, 2d floor; addrress, Schwitzer, Thomas G.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of applica-

tion Oct. 9, '88; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 28 West 4th St., room No. —, 1st floor; address, Biemesdorfer, Andrew; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, November 9, '57; court, com. pleas; qualified voter, yes; date of application Oct. 17; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

730 We, the undersigned, inspectors of election in the first (1) election district of the seventh (7) assembly district of the city and county of New York, do jointly and severally certify, that at the general registration of voters, held in the said election district on the ninth and seventeenth days of October and the twenty-sixth and twenty-seventh days of October in the year 1888, there were registered by us as qualified voters in the said election district the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is (181) one hundred and eighty-one.

Dated New York, October 27, 1888.

HUGH J. CAVANAUGH.
HENRY WOLF.
ELISHA M. BILLINGTON.
JOSEPH HALWICK.

731 "EXHIBIT 'G'—JACOB SMITH, JR."

I, Charles S. Whitman, notary public in and for the county of New York and State of New York, certify that the said Jacob Smith, Jr., witness, wrote in my presence the said words "Exhibit G" and subscribed his name thereto, and that this "Exhibit G" is the identical "Exhibit G" which said witness made part of his answer to question No. 6 of this his deposition, and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County,
State of New York.

(Internal revenue 10 cts. stamp. Canceled Sept. 9, '98. C. S. W.)

732 Election Bureau Copy.

Register of Voters of the 6 Election District of the 11 Assembly District of the City of New York, 1892.

The board of inspectors must enter in this register the names of all persons registered on each registration day, and certify to same, and within forty-eight hours after their adjournment on the last day

of any general registration, file it in the office of the chief of the bureau of elections, in compliance with section 1861 of chapt. 410 of the Laws of 1882, cited as the New York city consolidation act.

SECTION 1861. The inspectors of election in each election district shall, on each day of any general registration, before adjourning, enter into each of two books prepared for that purpose, one of which shall be known as a "public copy" of the registers, and the other of which shall be known as the "election bureau copy" of the registers, all such names and residences, and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this chapter. And the books shall, on each of said days, after the completion of such copies of the register, be carefully compared throughout, so that each of the registers and the copies thereof shall in every respect, agree with each other, and contain the name and residence of each person who shall have applied for registration, and the facts respecting him as the same shall have been stated by him and entered in the registers as provided in this chapter. The said inspectors shall, on the last day of any general registration, certify each of said copies in the same manner as if it was an original, and within forty-eight hours after their adjournment on said last
733 day of any such general registration shall file the "election bureau copy" of the registers with the chief of the bureau of elections at his office, where the same shall be carefully preserved.

734 INDEX.

Sixth Election District.

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Eleventh Assembly District.

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735 Register of Voters of the 6 Election District of the 11 Assembly District of the City of New York, 1892.

Residence, 24 E. 33d St., room No. —; address, O'Connor, John C.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 38 E. 33d St., room No. —; address, Pryor, Roger A.; sworn, yes; nativity, Va.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks —.

Residence, 32 E. 33d St.; room No. —; address, Canfield, Geo. F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92) —; remarks —.

Residence, 13 E. 23d St., room No. —; address, Briddon, Charles L.; sworn, yes; nativity, England; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers
736 11-12, '59; court, superior; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 55 E. 33d St., room No. —; address, Winston, Charles W.; sworn, yes; nativity, N. Y.; color, B.; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 165 Madison Av., room No. —; address, Anderson, Henry J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 165 Madison Av., room No. —; address, Ellory, Anderson E.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged (see sec. 36, chap. 680 Laws '92), ... remarks, ...

Residence, 159 Madison Av., room No. ...; address, Carlton, Chas. A.; sworn, yes; nativity, N. Y.; color, white; term of resi-
737 dence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of applica-

tion Oct. 11; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged (see sec. 36, chap. 680 Laws '92), ...; remarks, ...

Residence, Park Avenue hotel; room No. 674; address, William H. Perkins; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 34 E. 33d St., room No. —; address, Stimson, Lewis A.; sworn, yes; nativity, N. J.; color, white; term of residence, election district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 34 E. 33d St., room No. —; address, Stimson, Henry L.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 68 E. 34th St., room No. —; address, Smith, Elijah P.; sworn, yes; nativity, Md.; color, white; term of residence,
738 election district, six years; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 48 E. 34th St., room No. —; address, Perry, John G.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 66 E. 34th St., room No. —; address, Lavy, Mitchell A. C.; sworn, yes; nativity, D. C.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 44 E. 34th St., room No. —; address, Ives, Brayton; sworn, yes; nativity, Conn.; color, white; term of residence, election

district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

739 Residence, Park Ave. hotel, room No. 659; address, Burns, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of paper-, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified —; date of erasing name, —; voted November. —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence Park Ave. hotel, room 217; address, Charles, Richard P.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 26, '60; court, com. pleas; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 139; address, Austin, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 576; address, McChan, Bernard; sworn, yes; nativity, N. Y.; color, white; term of residence, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

740 Residence, Park Ave. hotel, room No. 653; address, Buel, Oliver T.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 699 B; address, Underwood, Walter H.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 705; address, Selodder, Albra A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel; room No. — night c'k; address, Mosley, William E.; sworn, yes; nativity, Me; color, white; term of residence, election district, nine months; assembly district, eighteen months; county, eighteen months; State, eighteen months; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing
741 name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92) —; remarks, —.

Residence, Park Ave. hotel, room 534; address, Corner, William H.; sworn, yes; nativity, Md.; color, white; term of residence, election district, three months; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), ...; remarks, ...

Residence, Park Ave. hotel, room No. 703; address, Clark, William E.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, twenty years; county, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, ...

Residence, Park Ave. hotel, room No. 542; address, Harris, Sudney S.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 12 E. 34th St., room No. —; address, Murphy, Patrick H.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirteen years; assembly district, thirteen
742 years; county, thirteen years; State, thirteen years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92) —; remarks, —.

Residence, 153 Madison Av., room No. —; address, Morgan, N. Dennison; sworn, yes; nativity, *Comm.*; color, white; term of residence, election district, fifteen years; assembly district, fifteen years;

county, fifteen years; State, fifteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 153 Madison Av., room No. —; address, Morgan, Robert W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 153 Madison Av., room No. —; address, Sawyer, Lyman T.; sworn, yes; nativity, N. Y.; color, white: term of residence, election district, four years; assembly district four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

743 Residence, 153 Madison Av., room No. —; address, Hoffman, Geo. W.; sworn, yes; nativity, O.; color, C.; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, laws '92), —; remarks, —.

Residence, 10 E. 34 St., room No. —; address, Burke, John T.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, Oct. 12, 1870; court, com. pleas; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 2 E. 34th St., room No. —; address, Dwight, Jonathan; sworn, yes; nativity, Mass.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chapt. 680 Laws '92), —; remarks, —.

Residence 19 E. 32d St., room No. —; address, Padelford, Edwin N.; sworn, yes; nativity. Geo.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

744 Residence, 58 E. 34th St., room No. —; address, Loomis, Henry T.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 37 E. 33d St., room No. ...; address, Flint, William H.; sworn, yes; nativity, Me.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 50 E. 34th St., room No. ...; address, Colgate, Albert W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-two years; assembly district, twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 177 Madison Ave., room No. ....; address, Valentine, Herbert; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-five years; assembly district, twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —;

745 voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 154 Madison Av., room No. —; address, Dawson, Willam T.; sworn, yes; nativity, Ga. color, white; term of residence, election district, two years; assembly district, two years; county, twenty years; State, twenty years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), remarks, ...

Residence, 155 Madison Av., room No. —; address, Deraismes, John A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, ...

Residence, 155 Madison Av., room No. —; address, Dargan, Alonzo T.; sworn, yes; nativity, S. C.; color, white; term of residence, election district, two years; assembly district, five years; county, five years; State, five years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 11; why disquali-

fied, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), ...; remarks, ...

Residence, 159 Madison Av., room No. —; address, Thomas, Dwight, D.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted
746 November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 160 Madison Av., room No. —; address, Olyphant, Robert M.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92,) —; remarks, ...

Residence, 163 Madison Av.; room No. —; address, Pearson, Charles J.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, three years; assembly district, three years; county, seven years; State, seven years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, ...

Residence, 155 Madison Ave. room No. ...; address, Anderson Geo.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, three months; county, ten years; State, ten years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, ...

Residence, 62 E. 34th St., room No. —; address, Trowbridge, Samuel B. P.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five months; assembly district, five
747 months; county, three months; State, three years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 11; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36 chapt. 680 Laws '92), ...; remarks, ...

Residence, 52 E. 34th St., room No. —; address, Dyer, Edward T.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, five months; assembly district, five months; county, three years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 353 Fifth Ave., room No. —; address, Husted, Peter V.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 57 E. 33rd St., room No. —; address, McIlwain, Willis; sworn, yes; nativity, Ireland; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92) —; remarks, —.

Residence Park Ave. hotel, room No. 427; address, Brundage, Minthorne T.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, six
748 months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 534; address, Hart, Albert; sworn, yes, nativity, Penn.; color, white; term of residence, election district, two months; assembly district, two months; county, four years; State, four years; naturalized, —; date of papers, ...; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 623; address, Rhea Thomas I.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, three months; assembly district, three months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified; —; date of erasing name, —; voted November, ...; challenged (see sec. 36 chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 615; address, Hartshorn, Edwin A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, 6 months; assembly district, six months; county, six months; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks —.

749 Residence, Park Ave. hotel, room No. 667; address, Morris, Coles; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, fourteen years; assembly district, fourteen years; county, fourteen years; State, fourteen years; naturalized, —;

date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 11th; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, (see sec. 36, chapt. 680, Laws' 92), ...; remarks, —.

Residence, Park Ave. hotel, room No. 625; address, Woodward, Rignel; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chap. 680 Laws '92), ...; remarks, —.

Residence, Park Ave. hotel, room No. 482; address, Woods, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 207; address, Dick, William B.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why
750 disqualified. —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 681; address, Nelson William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. —; cashier; address, Hopkins, Geo. E.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 517; address, Earle, Arthur G.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disquali-

fied, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 271; address, Storrs, Richard A.; sworn, yes; nativity, N. Y.; & color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '29), —; remarks, —.

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Residence, Park Ave. hotel, room No. 555; address, Webster, Josiah L.; sworn, yes; nativity, R. I.; color, white; term of residence, election district, four years; assembly district, four years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 627; address, Kellogg, Daniel F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, three months; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name —; voted November, —; challenged (see sec. 36, chp. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 680; address, Hawkins, John M.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 131; address, Risley, Benjamin W.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, three years; assembly district, three years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

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Residence, Park Ave. hotel, room No. 367; address, Wright, Steven N.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 618; address, Thomas,

Frank B.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence Park Ave. hotel, room No. 499; address, Jornbush, William F.; sworn, yes; nativity, Germany; term of residence, election district, forty days; assembly district, forty days; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers May 31, 1866; court, superior; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 11 East 32nd St., room No. —; address, Grant, Harry M.; sworn, yes; nativity, Del.; color, white; term of residence,
753 election district, one year; assembly district, *thirty*-one years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 9 East 32d St., room No. —; address, Storer, Albert; sworn, yes; nativity, Me.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, East 32d St., room No. —; address, Storer, Frederick; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty one years; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92,) —; remarks, —.

Residence, 13 East 32d St., room No. —; address, Scott, George E.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, twenty years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

754 Residence, —; Callaghan, John; sworn, yes; nativity, England; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, June 22, '88; court, superior; quali-

fied voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 13 E. 32d St., room No. —; address, Pease, Charles S.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, eleven months; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, —; Avery, John W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, —; date of papers, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 19 E. 32d St., room No. —; address, Berger, Carl; sworn, yes; nativity, Austria; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, yes; date of papers Oct. 19, '88; court, com. pleas; qualified voter, yes; date of application Oct. 28, '92; *qualified voter, yes; date of application Oct. 28, '92;* why disqualified, —.

755 Residence, 7 East 32d St., room No. —; address, Sterling, Geo. L.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680, Laws of '92), —; remarks, —.

Residence, 7 East 32d St., room No. —; address, O'Neill, George; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, twelve years; State, twelve years; naturalized, yes; date of papers, Oct. 23, 1888; court, com. pleas; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 13 East 32d St., room No. —; Lamson, Edwin; sworn, yes; nativity, Mass.; color, white; term of residence, election district, four years; assembly district, four years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 7 East 32d St., room No. —; address, Bronson, Thomas S.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, three years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter,

yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; — November, —; challenged (see sec. 36,
756 chapt. 680, Laws '92), —; remarks, —.

Residence, 161 Madison Av., room No. —; address, McGrath, Howard; sworn, yes; nativity, Pa.; color, white; term of residence, election district thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; remarks, —.

Residence, 166 Madison, room No. —; address, Blogett, Daniel C.; sworn, yes; nativity, Va.; color, white; term of residence, election district three years; assembly district, three years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680, Laws '92), —; remarks, —.

Residence, 163 Madison Av., room No. —; address, Pearson, James B.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; remarks, —.

Residence, 167 Madison Av.; room No. —; address, Jackson, Andrew; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three
757 years; county, ten years; State, ten years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chap. 680 Laws '92), —; remarks, —.

Residence, 178 Madison Av., room No. —; address, Darnell, Henry; sworn, yes; nativity, Va; color, C.; term of residence, election district, six months; assembly district, six months, ; county, fifteen years, State, fifteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, ...

Residence, 159 Madison Av., room No. —; address, Daggett, John M.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of rrasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 154 Madison Ave.; room No. —; address, Springs, Richard A.; sworn, yes; nativity, S. C.; color, white; term of

residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, ...; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92) ...; remarks, ...

Residence, 163 Madison Av., room No. —; address, Parrott, Henry B.; sworn, yes; nativity, Tenn.; color, white; term of residence, election district, two years; assembly district, thirteen years; 758 county, thirteen years; *county, thirteen years*; State, nineteen years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), ...; remarks, —.

Residence, 167 Madison Av., room No. — 2d floor; address, Reid, Harry B.; sworn, yes; nativity, Pa.; color, white; term of residence, election district, four years; assembly district, four years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 167 Madison Av.; room No. —; address, Lerscher, John; sworn, yes; nativity, Md.; color, white; term of residence, election district, sixty days; assembly district, six- days; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 163 Madison Av., room No. —; address, Anderson, Charles J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th; why disqualified, —; date of erasing name, —; voted November,—; challenged (see sec. 36, chapt. 680 Laws '92, —; remarks, —.

Residence, 153 Madison Av., room No. —; address, Ricketts, 959 William H.; sworn, yes; nativity, D.C.; color, white; term of residence, election district, two years; assembly district, two years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 68 Laws '92), —; remarks, —.

Residence, 163 Madison Av., room No. —; address, Nevin, Edward H.; sworn, yes; nativity, O.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqual-

ified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 153 Madison Av., room No. —; address, Van Vranken, Josiah; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 153 Madison Av., room No. —; address, Franks, John E.; sworn, yes; nativity, Va.; color, white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

760 Residence, 155 Madson Av., room No. —; address, Millard, John M.; sworn, yes; nativity, Md.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voyer, yes; date of application, Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 163 Madison Av., room No. —; address, Day, John J.; sworn, yes; nativity, Tenn.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturlaized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19th; why disqualified, —; date of erasing name, —; voted, November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 154 Madison Av., room No. —; address, Allen, William E.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 159 Madison Av., room No. —; address, Clark, Burnett L.; sworn, yes; nativity, Ala.; color, white; term of residence, election district, forty days; assembly district, two years; county, two years; State, 15 years; naturalized, —; date of papers, —; court, ...; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

761 Residence, 163 Madison Av., room No. —; address, Darling, Frederick H.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, four months; assembly district, four months; county, three years; State, three years; naturalized, —;

date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, — challenged, (see sec. 36, chapt. 680 Laws '92),—; remarks, —.

Residence, 166 Madison Av., room No. —; address, Gilet, Austin; sworn, yes; nativity, Md.; color, white; term of residence, election district, three years; assembly district, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19th; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 157 Madison Av., room No. —; address, Kip, William B.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 160 Madison Av., room No. —; address, Olyphant, Fernon N.; sworn, yes; nativity, China; color, white; term of residence, election district, ten years; assembly district, ten years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted Novem-
762 ber, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 155 Madison Av., room No. —, address, Miller, Jacob T., sworn, yes; nativity, Md.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 152 Madison Av., room No. —; address, Freund, Ernst; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 178 Madison Ave., room No. —; address, Oakman, Walter J.; sworn, yes; nativity, Pa.; color, white; term of residence, election district, three years; assembly district, three years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 155 Madison Av., room No. —; address, Fisher, William H.; sworn, yes; nativity, Va.; color, black; term of residence,

election district, four years; assembly district, four years; county, six years; State, six years; naturalized, —; date of papers, —;
763 court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 166 Madison Av., room No. ...; address, Gilseman, Pet.; sworn, yes; nativity, Ireland; color, white; term of residence election district, four years; assembly district, four years; county, ten years; State, ten years; naturalized, yes; date of papers, Oct. 28, '87; court, com. pleas; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted, November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 156 Madison Av., room No. ...; address, Ranney, Ambrose, L.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, sixteen years; assembly district, sixteen years; county, sixteen years; State, sixteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 173 Madison Av., room No. ...; address, Evans, Abram L.; sworn, yes; nativity, N. Y.; color, black; term of residence, election district, two years; assembly district, two years; county, twenty-nine years; State, twenty-nine years; naturalized, —; date of papers, —; court, —; qualified voter yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 152 Madison Av., room No. ...; address, Knight, George N.; sworn, yes; nativity, Me.; color, white; term of resi-
764 dence, election district, three months; assembly district, four months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 152 Madison Av., room No. —; address, Clerk, John D.; sworn yes; nativity, Canada; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 183 Madison Av., room No. —; address, Callahan, John J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, yes; date of papers, Oct. 8, '88; court, superior; qualified voter, yes; date of application

Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 157 Madison Av., room No. —; address, Spafford, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

765 Residence, 169 Madison Av., room No. —; address, Terry, Roderick; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92); —; remarks, —.

Residence, 152 Madison Av., room No. —; address, Farmhan, Elijah; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, eighteen months; State, eighteen months; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 2 East 34th St., room No. —; address, Dwight, Jonathan Jr.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 72 E. 34th St., room No. —; address, Dodge, Arthur M.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why dis-

766 qualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 14 E. 34th St., room No. —; address, Williams, Paul F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 10 E. 34th St., room No. —; address, Higgins, Francis; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, ten years; county, thirty years; State, thirty years; naturalized, yes; date of papers March

10, 1858; court, com. pleas; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 30 E. 34th St., room No. —; address, Barnes, Francis; sworn, yes; nativity, England; color, white; term of residence, election district, three years; assembly district, three years; county, twenty years; State, twenty years; naturalized, yes; date of papers Oct. 18, 1892; court, com. pleas; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 24 E. 34th St., room No. —; address, Galbrith, William H.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eleven months; assembly district, eleven months;
767 county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 72 E. 34th St., room No. ...; address, Johnston, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, April 1, 1892; court, superior; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, ...; date of erasing name, ...; challenged (see sec. 36, chapt. 680 Laws '92), ...; remarks, ...

Residence, 6 E. 34th St., room No. ...; address, Worrall, Lawrence; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92) —; remarks, —.

Residence, 12 East 34th St., room No. —; address, Ryan, Frank L.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, four months; assembly district, four months; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 12 East 34th St., room No. ...; address, Ryan, Peter J.; sworn, yes; nativity, Conn.; color, white; term of residence,
768 election district, one year; assembly district, one year; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92,) —; remarks, ...

Residence, 62 East 34th St., room No. —; address, Rossevelt,

Frank; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, fifteen months; assembly district, fifteen months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 18 East 34th St., room No. —; address, Martin, Michael; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, four years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 18 East 34th St., room No. —; address, Tracey, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, Oct. 14, 1891; court, superior; qualified voter, yes; date of application, Oct. 28, '92; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

769 Residence, 18 East 34th St., room No. —; address, Middleton, Martin; sworn, yes; nativity, Mass.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, one year; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 12 East 34th St., room No. —; address, O'Brien, Patrick; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, six years; county, twenty-six years; State, twenty-six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 10 East 34th St., room No. —; address, McCoy, Willia-; sworn, yes; nativity, Penn.; color, white; term of residence, election district, ten months; assembly district, ten months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 4 East 34th St., room No. —; address, Falk, John E.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —;

court, —; qualified voter, yes; date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —;
770 challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 41 East 33rd St., room No. —; address, Carver, Jacob H.; nativity, Pa.; term of residence, election district, two years; assembly district, two years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chapt. 680 Laws '92), —; remarks, —.

Residence, 15 East 33rd St., room No. —; address, Sands, Phillip J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted Nove-ber, —; challenged, (see sec. 36, chapt. 680, Laws '92) —; remarks, —.

Residence, 33 East 33rd St., room No. —; address, Walker, John B.; sworn, yes; nativity, N. J.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 7 East 33rd St., room No. —; address, Atterbury, Gorsvenor; sworn, yes; nativity, Mich.; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application
771 Oct. 11; why disqualified, —; date of erasing name —; voted November, —; challenged (see sec. 36 chapt. 680 Laws '92) —; remarks, —.

Residence, 9 East 33rd St., room No. —; address, De Luze, Francis Ogden; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chapt. 680 Laws '92) —; remarks, —.

Residence, 33 East 33rd St., room No. —; address, Denton, Myron P.; sworn, yes; nativity, N. Y.; term of residence, election district, two years; assembly district, two years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chapt. 680 Laws '92), —; remarks, —.

Residence, 21 East 33rd St., room No. —; address, Phoenix, Lloyd; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, six years;

county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chapt. 680 Laws '92) —; remarks, —.

Residence, 12 East 33rd St., room No. —; address, Falk, John M.; sworn, yes; nativity, Pa.; color, white; term of residence, election district, six months; assembly district, six months; county,
772 twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chapt. 680 Laws '92), —; remarks, —.

Residence, 26 East 33rd St., room No. —; address, Hammacher, C. William A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 22 East 33rd St., room No. —; address, Moore, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty years; county, thirty years; assembly district, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 23 East 33rd St., room No. —; address, Winthrope, Frederick B.; sworn, yes; nativity, France; color, white; term of residence, election district, five years; assembly district, five years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 22 East 33rd St., room No. —; address, Moore,
773 William C.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 39 East 33rd St., room No. —; address, Sands, Robert A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), ...; remarks, —.

Residence, 31 East 33rd St., room No. —; address, Dwyer, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten months; assembly district, ten months; county, twelve years; State, twelve years; naturalized, yes; date of papers, Sept. 30, 1886; court, com. pleas; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, ...; voted November, ...; challenged (see sec. 36, chapt. 630 Laws '92), —; remarks, —.

Residence, 43 East 43rd St., room No. —; address, Munroe, George E.; sworn, yes; nativity, China; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

774 Residence, 1 East 33rd St., room No. —; address, Delavan, D. Byson; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 10 East 33rd St., room No. —; address, Carley, Earl E.; sworn, yes; nativity, Ket.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 7 E. 33d St., room No. —; address, Atterbury, Charles; sworn, yes; nativity, Mich.; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 45 E. 33rd St., room No. —; address, Beach, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, 92; why
775 disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 1 East 33rd St., room No. —; address, Blake, Joseph A.; sworn, yes; nativity, Cal.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, six years; State, six years; naturalized, —; date of papers, —;

court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 28 East 33rd St., room No. —; address, Thomson, Alexander A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92,) —; remarks, —.

Residence, 19 East 33rd St., room No. —; address, Camnau, Donald N.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-five years; assembly district, twenty-five years; county, thirty years; State. thirty years; naturalized, —; date of papers, —; court, —; qualified, voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92,) —; remarks, —.

Residence, 33 E. 4 St. 33rd St., room No. —; address, Lyons, Frank J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eighteen months; assembly district, eighteen months; 776 county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28 '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92,) —; remarks, —.

Residence, 8 East 33rd St., room No. —; address, Bowen, Richard; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers Oct. 21, 1880; court, superior; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92). —; remarks, —.

Residence, 53 East 33rd St., room No. —; address, Daran, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 19 East 33rd St., room No. —; address, Camnen, George T.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92). —; remarks, —.

Residence, 33 East 33rd St., room No. —; address, Ely, Jonathan

777 S.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 35 East 33rd St., room No. —; address, Govan, Jacob F.; sworn, yes; nativity, Pa.; color, black; term of residence, election district, four months; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 51 East 33rd St., room No. —; address, Rodenstein, Frank; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, thirty-three years; State, thirty-three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 30 East 33rd St., room No. —; address, Ransom, George M.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, six years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

778 Residence, 10 East 33rd St., room No. —; address, Terry, Walter P.; sworn, yes; nativity, Pa.; color, white; term of residence, election district, two months; assembly district, two months; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 38 East 33rd St., room No. —; address, Pryor, Roger J. Jr.; sworn, yes; nativity, Va.; color, white; term of residence, election district, one year; assembly district, one year; county, ten years; State, ten years; naturalized, —; date of papers, ...; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), ...; remarks, ...

Residence, 12 East 33rd St., room No. —; address, Milholland, John E.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight months; assembly district, eight months; county, two years; State, thirty-two years; naturalized, —; date of

papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified —; date of erasing name —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), ...; remarks, ...

Residence, 2 East 33rd St., room No. —; address, Pessels, Walter C.; sworn, yes; nativity, Va.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), ...; remarks, —.

779 Residence, 12 East 33rd St., room No. —; address, Withington, James H.; sworn, yes; nativity, Me.; color, white; term of residence, election district, two months; assembly district, two months; county, one year; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name—; voted November —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 18 East 33rd St., room No. —; address, Greer, Thomas J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 351 Fifth Ave., room No. —; address, Stackhouse, Henry W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 351 Fifth Ave., room No. —; address, Andrews, Joseph; sworn, yes; nativity, Mass.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 11; why disqualified, —; date of erasing name, —; voted November, —;

780 challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 331 Fifth Ave., room No. —; address, Caffrey, John P.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, seven years; State, seven years; naturalized, yes; date of papers, July 11, 1890; court, com. pleas; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 349 Fifth Ave., room No. — ; address, Stebbins, Geo. L. ; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, seven years; State, seven years; naturalized, — ; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 325 Fifth Ave., room No. — ; address, Bendick, James A.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, twenty years; assembly district, twenty-one years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 349 Fifth Ave., room No. — ; address, Lord, Charles C.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of
781 papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 345 Fifth Ave., room No. ...; address, Van Next, Geo. W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 347 Fifth Ave., room No. ...; address, Rosenthal, Julius; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, three months; county, twenty-one years; State, twenty-one years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, ...

Residence, 349 Fifth Ave., room No. — ; address, Wright, Geo. M.; sworn, yes; nativity, Va.; color, white; term of residence, election district, three years; assembly district, three years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36 chapt. 680 Laws '92), —; remarks, —.

Residence, 349 Fifth Ave., room No. — ; address, Frothing-
782 ham, Samuel; sworn, yes; nativity, Mass.; color, white; term of residence, election district, two years; assembly district, two years; county, seven years; State, seven years; naturalized, —; date

of papers,—; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November —; challenged (see sec. 36, chapt. 680 Laws '92), ...; remarks, —.

Residence, 341 Fifth Ave., room No. —; address, Bolton, Henry C.; sworn yes; nativity, Pa.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, --; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 347 Fifth Ave., room No. —; address, Kenwirthy, Frederick T.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, three years; county, twenty-eight years; State, twenty-eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 347 Fifth Ave., room No. —; address, Kenworthy, Thomas C.; sworn, yes; nativity, Pa.; color, white; term of residence, election district, four months; assembly district, three years; county, thirty-seven years; State, thirty-seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

783 Residence, 349 Fifth Ave., room No. ...; janitor; address, Christopher, Andrew; sworn, yes; nativity, Norway; color, white; term of residence, election district, three years; assembly district, three years; county, five years; State five years; naturalized, yes; date of papers, Aug. 9, '92; court, com. pleas; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 341 Fifth Ave., room No. —; address, Tobin, John N.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, 345 Fifth Ave., room No. —; address, Vaust, Jules; sworn, yes; nativity, Belgium; color, white; term of residence, election district, two years; assembly district, two years; county, twenty-eight years; State twenty-eight years; naturalized, yes; date of papers, Oct. 22, 1880; court, com. pleas; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing

name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 666; address, Watson, William T.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twelve years; assembly district twelve years; county, twelve years; State, twelve years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application Oct. 784 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 574; address, Williams, Frank S.; sworn, yes; nativity, Lou.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-seven years; State, twenty-seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 501; address, Falls, Dewit C.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36. chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room 417; address, Bowman, Joseph J.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, three years; assembly district, three years; county, thirty years; State thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 570; address, Perry, Alexander J.; nativity, Conn.; color, white; term of residence, 785 election district, one year; assembly district, one year; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 678; address, Livingston, Henry W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 608; address, Crandall, Albert; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, on

year; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 683; address, Bogle, Charles H.; sworn, yes; nativity, R. I.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 672; address, Thomp-
786 son, Percy; sworn, yes; nativity, Ala.; color, white; term of residence, election district, four months; assembly district, four months; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 19, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 470, address, Nash, Job M.; sworn, yes; nativity, Ohio; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name,—; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 317; address, Earle, William H.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 624; address, Reed, Frederick A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 253; address, Kitchen,
787 William K.; sworn, yes; nativity, Ga.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 643; address, Everhart,

Frank; sworn, yes; nativity, Pa.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, twenty years; State, twenty years; naturalized, ...; date of papers, ...; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 578; address, Beaudet, Homer J.; sworn, yes, nativity, Can-; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, ten years; State, ten years; natuealized, —; date of papers, —; court, ...; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36 chapt. 680 Laws '92), —; remarks, ...

Residence, Park Ave. hotel, room No. 679; address, Larwill, Alfred; sworn, yes; nativity, N. J.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

788 Residence, Park Ave. hotel, room No. 553; address, Williams, Theodore C.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, three months; assembly district, three months; county, nine years; State, nine years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 442; address, Bollander, William H.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, forty years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, ...

Residence, Park Ave. hotel, room No. 599; address, Ilsly, Silas A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, twenty-one years; natuealized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 605; address, Dick, Harris B.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, twenty-one years; State, twenty-one years; naturalized, ...; date of papers, ...; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name,—; voted No-

vember ...; challenged (see sec. 36, chapt. 680 Laws '92), ...;
789 remarks, ...

Residence, Park Ave. hotel, room No. 443; address, McCurdy, Dale; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence Park Ave. hotel, room No. 703; address, Clark, R. Floyd; sworn, yes; nativity, S. C.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county fifteen years; State, fifteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 434; address, Twonsend, Robert; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 455; address, Smith, Charles Smith, Jr.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, six years; county, thirty years; State, thirty years; naturalized, ...; date of papers ...; court, ...; qualified voter, yes; date of application
790 Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws 92), —; remarks, —.

Residence, Park Ave hotel, room No. 687; address, Howell, Henry, C.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten months; assembly district, ten months; county, forty years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 681; address, Shepard, Charles; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, five mos.; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 29, '92; why disqualified —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680, Laws '92), —; remarks, —.

Residence, Park Ave. hotel, room No. 480, address, Myres, Albert N.; sworn; yes; nativity, Germany; color, white; term of residence,

election district, nine months; assembly district, nine months; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers, Oct. 5, 1880; court, superior; qualified voter, yes; date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, ...; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

791 Residence, Park Ave. hotel, room No. 318; address, Slosson, Geo. F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 163 Madison Av., room No. —; address, Hiller, Frank L.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty days; assembly district, two years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 182 Madison Av., room No. —; Jones, Edward G.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, four years; assembly district, four years; county, twenty-one years; State, twenty-one years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 28, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 159 Madison Av., room No. —; address, Muhall, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, thirty years; State, thirty years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

792 Residence, 153 Madison Av., room No. —; address, Hill, Thomas Jr.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, two years; assembly district, two years; county, eighteen years; State, eighteen years; naturalized, yes; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 181 Madison Av., room No. —; address, Falkner Alexander; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers Jan. 27, 1870; court, superior; qualified voter, yes;

date of application, Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

Residence, 157 Madison Av., room No. —; address, Milliken, Samuel E.; sworn, yes; nativity, Texas; color, white; term of residence, election district, three years; assembly district, three years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 29, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged (see sec. 36, chapt. 680 Laws '92), —; remarks, —.

793 Certificate at Close of Registration.

We, the undersigned, inspectors of election in the sixth election district of the eleventh assembly district, of the city and county of New York, do jointly and severally certify that at the general registration of voters, held in the said election district on the 11th, 19th, 28th and 2'th dats of October in the year 1892; there were registered by us as qualified voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is two hundred and twenty-one (2221).

Dated New York, October 29, 1892.

SYLVESTER E. DONOVAN,
Chairman.
BERTELLO H. BUTTRICK.
EUGENE E. GRAHAM.

794 "EXHIBIT 'H'—JACOB SMITH, JR."

I, Charles S. Whitman, notary public in and for the county of New York and State of New York certify that the said Jacob Smith, Jr., witness, wrote in my presence the said words "Exhibit H" and subscribes his name thereto, and that this "Exhibit H" is the identical "Exhibit H" which said witness made part of his answer to question No. 6 of this his deposition, and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County, State of New York.

(Internal revenue stamp 10 cts. Canceled Sept. 9, 1898; C. S. W.)

795 Election Bureau Copy.

Register of Voters of the Sixteenth (16) Election District of the Third (3) Assembly District of the City of New York, 1885.

The board of inspectors must enter in this register the names of all persons registered on each registration day and certify the same

and within forty-eight hours after their adjournment on the last day of any general registration file it in the office of the chief of the bureau of elections in compliance with section 1861 of chapter 410 of the Laws of 1882, cited as the New York city consolidation act.

SEC. 1861. The inspectors of election in each election district shall, on each day of any general registration, before adjourning, enter into each of two books prepared for that purpose, one of which shall be known as a "public copy" of the registers, and the other of which shall be known as the "election bureau copy" of the registers, all such names and residences, and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this chapter. And the whole six books shall on each of said days, after the completion of such copies of the register, be carefully compared throughout, so that each of the registers and the copies thereof shall, in every respect, agree with each other, and contain the name and residence of each person who shall have applied for registration and the facts respecting him as the same shall have been stated by him and entered in the registers as provided in this chapter. The said inspectors shall, on the last day of any general registration,
796 certify each of said copies in the same manner as if it was an original, and within forty-eight hours after their adjournment on said last day of any such general registration shall file the "election bureau copy" of the registers with the chief of the bureau of elections at his office, where the same shall be carefully preserved.

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Pages —.

798 Register of Voters of the Sixteenth (16) Election District of the Third Assembly District of the City of New York, 1885.

Residence, 518 Broadway, room No. — 3d floor; address, Massett, John D.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district one year; assembly district, one year; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 518 Broadway, room No. — 3d floor; address, Van Bussem, Philip; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 518 Broadway, room No. — 3d —; address, Waterbury, David N.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, four months; county, seven months; State, forty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 518 Broadway, room No. — 2d floor; address, Fisher, Henry H.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, five years; assembly district, five
799 years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 152; address, Shaw, Charles T.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, two years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 5 — floor; address, William, Henry; sworn, yes; nativity, N. Y.; color, colored; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. —; address, Brewster, Geo. E.; sworn, yes; nativity, Hamp.; color, white; term of residence,

election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 14; why disqualified; —; date of erasing name, —; challenged, —; remarks, —.

Residence, 514 Broadway, room No. 519; address, Barnett, David; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, native; date of
800 papers, —; court, —; qualified voter, yes; date of application, Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 559, address, Shea, Mortimer F.; sworn, yes; nativity, Providence; color, white; term of residence, election district, six years; assembly district, six years; State, six years; naturalized, native; date of papers, —; court, ...; qualified voter, yes; date of application, Oct. 14; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — 2d floor; address, Carlson, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years; county, fifteen years; State, fifteen years; *State, fifteen years;* naturalized, yes; date of papers, Oct. 24, '84; court, superior; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 479; address, Guyton, Harry Page; sworn, yes; nativity, Bal.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct 14th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 585; address, Wood, Arthur R.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years;
801 county, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 14th; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 588; address, Nolan, James; sworn, yes; nativity, Pa.; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 586; address, Golden, Timothy; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; county,

thirty-seven years; State, thirty-seven years; naturalized, yes; date of papers, July 10, '54; court, superior; qualified voter, yes; date of application Oct. 14th; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 364; address, O'Sullivan, Sylvester J.; sworn, yes; nativity, Canada; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Jan. 3. '74; court, Rens. county ct.; qualified voter, yes; date of application Oct. 14, '92; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 584; address, Keith, Otis M.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 14th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 584 Broadway, room No. 111; address, Nash, Job M.; sworn, yes; nativity, Ohio; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —, remarks, —.

Residence, 584 Broadway, room No. 560; address, Simpson, Frank J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 522; address, Gannon, William N.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 522; address, McLaughlin, James J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 584 Broadway, room No. 554; address, Prescott, Frank W.; sworn, yes; nativity, La.; color, white; term of residence, election district, two years; assembly district, two years; county, eight

years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 550; address, Seymour, Franklin; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, —.

Residence, 584 Broadway, room No. 561; address, Dunne, James R.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, March 1, '62; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 326; address, Mitchell, Peter; sworn, yes; nativity, Scotland; color, white; term of residence, election district, eighteen months, assembly district, eighteen months; county, twenty years, State, twenty years; naturalized, yes; 804 date of papers, May, '66; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 172; address, Bishop, Arthur L.; sworn, yes; nativity, Ga.; color white; term of residence, election district, six months; assembly district, six months; county, fourteen years; State, fourteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. ; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 127; address, Coe, Timothy J. Jr.; sworn, yes; nativity, Conn; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 105; address, Coe, Russell F.; nativity, Conn.; color, white; term of residence, election district, ten years; assembly district ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Res. 81 Marion St., room No. — 3d floor; address, Casey, William J.; sworn, yes; nativity, N. Y.; color, white; term of residence,

election district, thirty-five years; assembly district, thirty-five years; State, thirty-five years; naturalized, native; date of papers, —;
805 court, —; qualified voter, yes; date of application Oct. 6th; why disqualified, —; date of erasing name, —; voted November —; challenged, —; remarks, —.

Residence, 81 Marion, room No. — top; address, Sheridan, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, nine years; assembly district nine years; county, nine years; State, nine years; naturalized, yes; date of papers, May 9, '56; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 81 Marion St., room No. — top; address, Sheridan, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 85 Marion St., room No. — 1st —; address, Woods, Arthur; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight months; assembly district, eight months; county, twenty-nine years; State, twenty-nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 85 Marion St., room No. — 1st floor; address, Woods, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eight months; assembly district, eight months; county, forty-four years; State forty-four years; nat-
806 uralized, yes; date of papers, Sept. 30, '56; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 85 Marion St., room No. — 1st —; address, Wood, Joseph; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight months; assembly district, eight months; county, twenty-three years; State, twenty three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, — remarks, —.

Residence, 88 Marion St.; room No. — 2 floor; address, Arezza, Peter; sworn, yes; nativity, Italy; color, white; term of residence, election district, six months; assembly district, six months; county, fourteen years; State, fourteen years; naturalized, yes; date of papers Sept. 20, '80; court, com. pleas; qualified voter, yes; date of application Oct. 14th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 88 Marion St., room No. — 2 floor; address, Amert,

Phillip; sworn, yes; nativity, Italy; color, white; term of residence, election district, six months; assembly district, six months; county, fifteen years; State, fifteeen years; naturalized, yes; date of papers, Oct. 20, '80; court, superior; qualified voter, yes; date of application. Oct. 14th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 88 Marion St., room No. — 1st —; address, Gioranni, Lorenso; sworn, yes; nativity, Italy; color, white; term of residence, election district, six months; assembly district, six months; State, nine years; naturalized, yes; date of papers, Oct. 16, '84;
807 court, com. pleas; qualified voter, yes; date of application Oct. 23rd; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 81 Marion St., room No. — 3rd —; address, Gegham, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, — challenged, —; remarks, —.

Residence, 257 Mulberry St., room No. — 3d floor; address, Higgins, Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 26th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 261 Mulberry St., room No. — basement; address, Herrman, Jean C. F.; sworn, yes; nationality, Germany; color, white; term of residence, election district, four years; assembly district, four years; county, twenty-two years; State, twenty-two years; naturalized, yes; date of papers, Aug. 22, '67; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 263 Mulberry St., room No. — house; address, Kelly, James L.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year;
808 county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 263 Mulberry, room No. — house; address, Donlin, George T.; sworn, yes; nativity, N. Y.; color, white; term of resi-residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — house; address, Maggio, Joseppe; sworn, yes; nativity, Italy; color, white; term of residence, election district, four months; assembly district, four months; county, twenty years; State, twenty years; naturalized, yes; date of papers Oct. 18, '77; court, superior; qualified voter, yes; date of application, Oct. 14th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — top —; address, Hoffman, Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November —; challenged, —; remarks, —.

Residence, 267 Mulberry; room No. — basement; address, Lamritamo, Dincenzo; sworn, yes; nativity, Italy; color, white; term of residence, election district, two months; assembly district, two
809 months; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 21, '85; court, superior; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. 2 — floor; address, McDonald, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, six years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — 1st —; address, Stich, Frederick; sworn, yes; nativity, Germany; color, white; term of residence, election district, eighteen years; assembly district, eighteen years; county, eighteen years; State, eighteen years; naturalized, yes; date of papers Sept. 14, '79; court, superior; qualified voter, yes; date of application Oct. 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 1st —; address, Link, Andrew; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, one year; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry St. room No. — 5th —; address, Coleman, Thomas P.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district five months; assembly district, five
810 months; county, thirty-nine years; State, thirty-nine years; naturalized, —; date of papers, —; court, —; qualified voter,

yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 275 Mulberry, room No. — 3d floor; address, McClusky, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, Sept. 22, '53; court, Kings County court; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 2d floor; address, Morgan, Joseph; sworn, yes; nativity, N. Y.; color, white; term of residence, election district six years; assembly district, six years; county, forty-eight years; State, forty-eight years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 14; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — 3d ...; address, Gimbel, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six years; assembly district, six years; county, thirty-two years; State, thirty-two years; naturalized, native; date of papers ...; court, ...; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry,room No. — top ...; address, Peters, Alfred; sworn, yes; nativity, Conn.; color, white; term of residence, election district, two years; assembly district, two years; county, twenty years; State, twenty years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 277 Mulberry St., room No. — 2 floor; address, Kelly, Arthur; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, Nov. 19, '57; court, com. pleas; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — 1st —; address, Kelly, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, seven years; assembly district, seven years; county, thirty-eight years; State, thirty- years; naturalized, yes; date of papers, Oct. 8, '52; court, superior; qualified voter, yes; date of application, Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. 4; address, Piat, Julius; sworn, yes; nativity, Switz.; color, white; term of residence, election district, five years; assembly district, five years; county, ten years; State, ten years; naturalized, yes; date of papers, Oct. 16, '84; court, com. pleas; qualified voter, yes; date of application Oct. 23;

hy disqualified —; date of erasing name, —; voted November, —; hallenged, —; remarks, —.

Residence, 275 Mulberry, room No. —, 2d —; address, Teath, ohn; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; 12 county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified oter, yes; date of application Oct. 24th; why disqualified, —; ate of erasing name, —; voted November, —; challenged, —; emarks, —.

Residence, 279 Mulberry, No. — 1 floor; address, Macklin, Valter J.; sworn, yes; nativity, N. Y.; color, white; term of resi- ence, election district, thirty-two years; State, thirty-two years; aturalized, native; date of papers, —; court, —; qualified voter, es; date of application Oct. 6th; why disqualified, —; date of eras- ng name, —; voted November, —; challenged, —; remarks, —.

Residence, 279 Mulberry St., room No. — 2d —; address, Mack- in, Thomas H.; sworn, yes; nativity, N. Y.; color, white; term of esidence, election district, twenty-six years; assembly district, wenty-six years; county, twenty-six years; State, twenty-six years; aturalized, native; date of papers, —; court —; qualified voter, es; date of application Oct. 6th; why disqualified, —; date of eras- ng name, —; voted November, —; challenged, —; remarks —.

Residence, 279 Mulberry St.; room No. — 1 floor; address, Mack- in, Arthur G.; sworn, yes; nativity, N. Y.; color, white; term of esidence, election district, twenty-one years; assembly district, wenty-one years; county, twenty-one years; State, twenty-one ears; naturalized, native; date of papers, —; court, —; qualified oter, yes; date of application Oct. 6; why disqualified, —; date of rasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 279 Mulberry, room No. —; 1st floor; address, Mack- in, Francis H.; sworn, yes; nativity, N. Y.; color, white; term of esidence, election district, fifty years; assembly district, fifty years; county, fifty years; State, fifty years; naturalized, native; 313 date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 279 Mulberry St., room No. — 2d —; address, Macklin, Peter C.; sworn, yes; nativity, N. Y.; color, white; term of resi- dence, election district, twenty-eight years; assembly district, twenty- eight years; county, twenty-eight years; State, fifty years; natural- ized, native; date of papers, —; court, —; qualified voter, yes; daye of application, Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, Mulberry, room No. — 2 floor; address, Moran, Thomas; sworn, yes; nativity, N. Y.; color, white; term of resi- dence, election district, forty-one years; assembly district, forty-one years; county, forty-one years; State, forty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of ap-

plication Oct. 6th; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, ...

Residence, 281 Mulberry St., room No. ... rear, 2 floor; address, McGuinness, Hugh; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 24, '54; court, com. pleas; qualified voter, yes; date of application Oct. 6th; why disqualified, ...; date of erasing name, ...; voted November, ...; challenged, ...; remarks, ...

Residence, 281 Mulberry St.; room No. — rear, 2 floor; address, McGuinness, Thoms; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty-two years; assembly district, thirty-two years; county, thirty-two years; State, 814 thirty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6th; why disqualified, —; date of erasing name, —; voted November, —; remarks, —.

Residence, 281 Mulberry St., room No. — 2 floor; address, McGuinness, Hugh, Jr.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 3d floor; address, Brennan, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eight months; assembly district, six years; county, six years; State, six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 3d —; address, Banker, John D.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district four months; assembly district, four months; county, ten years; State, ten years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — top; address, Foley, Oeter; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, eleven months; assembly district, eleven months; 815 county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 281 Mulberry, room No. ..., top; address, Blake, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, native; date of papers, —; court, —;

qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. —, 2 floor; address, Boyle, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, sixteen years; assembly district, sixteen years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers Oct. 24, '79; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 42 Crosby, room No. —, 2 floor; address, Brutsche, Fred; sworn, yes; nativity, Germany; color, white; term of residence, election district, five weeks; assembly district, five weeks; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, Oct. 17, '79; court, superior; qualified voter, yes; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. —, top; address*m* Colbert, Michael; sworn, yes; nativity, N. Y. color, white; term of residence, election district, two months; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, native; date of
816 papers, —; court,—; qualified voter, yes; date of application Oct. 6th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 2d floor; address, Smart, Daniel; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, six months; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 2d floor; address, Welch, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers Oct. 20, '84; court, superior; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 2d floor; address, Welch, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 113 Crosby St., room No. — house; address, Hall, Wargrof, Jr.; sworn, yes; nativity, Md.; color, white; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight
817 years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 14; why dis-

qualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 113 Crosby St., room No. — house; address, Granby, James W.; sworn, yes; nativity, Pa.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 115 Crosby St., room No. —; address, Schultz, Henry; sworn, yes; nativity, Germany; color, white; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, yes; date of papers, Sept. 12 '65; court, com. pleas; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 115 Crosby St., room No — top floor; address, Welch, William; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged —; remarks, —.

Residence, 115 Crosby St., room No. — 1 floor; address, Meyer, Lewis F. W.; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, eight years; State, eight years; naturalized, yes; date of application, Oct. 2 '76; court, com. pleas.; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 115 Crosby St., room No. — 3 floor; address, O'Keefe, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, yes; date of papers, Oct. 23, '85; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 115 Crosby St., room No. — 2d floor; address, McKenna, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 117 Crosby St., room No. — 2d fl.; address, O'Rourke, Henry; sworn, yes; nativity, Calf.; color, white; term of residence, election district, four months; assembly district, four years; county,

four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 117 Crosby St., room No. — 2 fl.; address, Migrault, Eusebe; sworn, yes; nativity, Ver.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-four years; State twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 117 Crosby St., room No. — 4 floor; address, Smith, Lowrey W.; sworn, yes; nativity, Conn.; color, white: term of residence, election district, two years; assembly district, two years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 117 Crosby St., room No. — 2 floor; address, Devaney, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, six months; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 117 Crosby St., room No. —; 2 fl.; address, Green, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, four months; county, two years; *assembly district*, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 117 Crosby St., room No. — 2 fl.; address, Boland, James J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, four months; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 117 Crosby St., room No. — house; address, Salisbury, Hiland; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten months; assembly district, ten months; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 117 Crosby St., room No. — top; address, McCaffrey, Charles; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, twenty years;

county, twenty years; State, twenty years; naturalized, yes; date of papers Oct. 26, '83; court, com. pleas; qualified voter, yes; date of application, Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Res. 119 Crosby St., room No. ... house; address, Flanigan, Edward; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty years; assembly district, twenty years; State, twenty years; naturalized, yes; date of papers Oct. 22, '58; court, com. pleas; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 119 Crosby St., room No. ... 2nd ...; address, De Lury, Joseph F.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, native;
821 date of papers, —; court, —; qualified voter, yes; date of application Oct. 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 119 Crosby St., room No. .... 3rd —; address, Harley, John J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers Sept. 22, '68; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 119 Crosby St., 121 Crosby St., room No. — top; address, Jordan, Peter; sworn, yes; nativity, Germany; color, white; term of residence, election district, thirteen years; assembly district, thirteen years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers, Oct. 25, '78; court, com. pleas; qualified voter, yes; date of application, Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, ...

Residence, 121 Crosby St., room No. — 2 fl.; address, Burmingham, Jo-n; sworn, yes; nativity, Ireland; color, white; term of residence, election district, seventeen years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, Sept. 1860; court, com. pleas; qualified voter, yes; date of application, Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, ...

Residence, 121 Crosby St., room No. — house; address, Casey, William; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty
822 years; county, thirty years; State, thirty years; naturalized, yes; date of papers, April 18, '55; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, ...; challenged, ...; remarks, ...

Residence, 123 Crosby St., room No. — house; address, Cardano, Antonio; sworn, yes; nativity, Italy; color, white; term of resi-

dence, election district, one year; assembly district, one year; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, Oct. 22, '78; court, U. S. district; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence 126 Crosby St., room No. — house; address, Lischer, Jacob; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, twenty year-; State, twenty years; naturalized, yes; date of papers, Oct. 13, '66; court, com. pleas; qualified voter, yes; date of application Oct. 23d; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — rear 3d floor; address, Marshall, Augustus; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, twenty years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. 6 rear; address, Love, Thomas R.; sworn, yes, nativity, N. Y.; color, white; term of residence, election district, six weeks; assembly district, six weeks; county, twelve years; State, twelve years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

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Residence, 135 Crosby St., room No. — 2nd —; address, McDonnell, John; sworn, yes; nativity, Mass.; color, white; term of residence, election district, four months; assembly district, four months; county, thirteen years; State, thirteen years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — top; address, McDonald, Francis; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, ber, —; challenged, —; remarks, ...

Residence, 135 Crosby St., room No. — 2d floor; address, Keenan, John J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six months; assembly district, six months; county, nineteen years; State, nineteen years; naturalized, yes; date of papers, Oct. 18, '84; court, U. S. dist.; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, ...; challenged, —; remarks, —.

Residence, 138 Crosby St., room No. — 2d floor; address, Hayes, John; sworn, yes; nativity, N. Y.; color, white; term of residence,

election district, eight years; assembly district, twenty-five
824 years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks —.

Residence, 138 Crosby St., room No. — 4 floor; address, Tansey, Jos. A.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, nine years; assembly district, twenty-four years; county, twenty-four —; State, twenty-four years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, ...

Residence, 138 Crosby St., room No. ... 4 floor; address, O'Reilly, Michael Jr.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-three years; assembly district, twenty-three years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 6; why disqualified,—; date of erasing name,—; voted November, ...; challenged, —; remarks, ...

Residence, 138 Crosby St., room No. — 4 floor; address, O'Reilly; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty-six years; assembly district, thirty-six years; county, thirty-six years; State, thirty-six years; naturalized, yes; date of papers, Oct. 15, '80; court, com. pleas; qualified voter, yes; date of application, Oct. 6; why disqualified, —; date of erasing name, —; voted November, ...; challenged ...; remarks, ...

Residence, 138 Crosby St., room No. — 5 floor; address, Davison, Emmet; sworn, yes; nativity, Penn.; color, white; term of residence, election district, fifteen months; assembly district,
825 fifteen months; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 138 Crosby St., room No. — 2 floor; address, Powers, William; sworn, yes; nativity, England; color, white; term of residence, election district, two months; assembly district, eight years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers Oct. 2, '83; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, —.

Residence, 140 Crosby St., room No. — 4d floor; address, Bennett, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. — 2d floor; address, Lynch, Lawrence B.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Oct. 24, '56; court, com. pleas; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. — 3d floor; address, Bennett, Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-three years; assembly district,
826 twenty-three years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. — 2d floor; address, Daly, Michael L.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one month; assembly district, one month; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers, Oct. 18, '67; court, com. pleas; qualified voter, yes; date of application, Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. — 5-h —; address, Riley, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 22, '80; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 140 Crosby St., room No. — 3d —; address, Bennett, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty-three years; assembly district, thirty-three years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, July 26, '64; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 11 E. Houston St. room No. — 3 floor; ad-
827 dress, Pine, John; sworn, affirmed; nativity, Dane; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, twenty years; naturalized, yes; date of papers, Oct. 14, '68; court, Kings county ct.; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 15 E. Houston St. room No. —, base.; address, Seppenfeld, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district,

five years; county, five years; State, five years; naturalized, yes; date of papers, April 7, '56; court, superior; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name —; voted November, —; challenged, —; remarks —.

Residence, 19 E. Houston St., room No. — 3d floor; address, Bernard, Geo. N.; sworn, yes; nativity, S. C.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 19 E. Houston St. room No. — 4 floor; address, William, David; sworn, yes; nativity, Wales; color, white; term of residence, election district, six months; assembly district, six months; county twenty-two years; State, twenty-two years; naturalized, yes; (1870) date of papers Oct. 8, 1770; court, Brooklyn city court; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

828 Residence, 19 E. Houston St., room No. — 2d —; address, Graves, Charles; sworn, yes; nativity, N. J.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 19 E. Houston St., room No. — 2d —; address, Randolph, Samuel E.; sworn, yes; nativity, N. J.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 27 E. Houston St., room No. — 3d —; address, Dwyer, John C.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty-two years; assembly district, twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, yes; date of papers Oct. 14, '72; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 27 E. Houston St., room No. — 1st —; address, Dochterman, Paul; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 23, '76; court, superior; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 27 E. Houston St., room No. — 1st —; ad-
829 dress, Hirneis, Anton; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, seven years; State, seven years; naturalized, yes; date of papers, Oct. 29, '84; court, superior; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 27 E. Houston St., room No. — 3d ....; address, Dwyer, John Jr.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, sixteen years; assembly district, sixteen years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers, Oct. 14, '72; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 29 E. Houston St., room No. — 1st —; address, Bogle, Casper; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, thirty years; State, thirty years; naturalized, yes; date of papers, Sept. 17, '68; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 29 E. Houston St., room No. — 1st —; address, Heinecke, Elmond; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, twenty-eight years; State, twenty-eight years; naturalized, yes; date of papers Oct. 20, '66; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 29 E. Houston St., room No. — 2d —; address,
830 Carle, John F.; sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month; county, thirty-one years; State, thirty-one years; naturalized, yes; date of papers, Oct. 2, '60; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 4 Jersey St., room No. — 2 floor; address, Kiliher, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, yes; date of papers Oct. 15, '80; court, superior; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 10 Jersey St., room No. — 1st ...; address, Gruvato, Michelo; sworn, yes; nativity, Italy; color, white; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of

papers July 11, '79; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 82 Spring St., room No. — 3 floor; address, Badan, Alcide; sworn, yes; nativity, France; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers Oct. 18, '83; court, com. pleas; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, ...; voted November, ...; challenged, ...; remarks, ...

831 Residence, 83 Spring St., room No. ... 1st floor; address, Smith, John C.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-one years; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, ...

Residence, 83 Spring St., room No. — 2d floor; address, Borel, Daniel; sworn, yes; nativity, Germany; color, white; term of residence, election district, three years; assembly district, three years; county, nineteen years; State, nineteen years; naturalized, yes; date of papers Oct. 14, '79; court, com. pleas; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — 2 floor; address, Reith, John G.; sworn, yes; nativity, Germany; color, white; term of residence, election district, three months; assembly district, three months; county, four months; State, thirty-four years; naturalized, yes; date of papers Oct. 26, '60; court, superior; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — basement; address, Egloff, John H.; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, thirty years; State, thirty years; naturalized, yes; date of papers Oct. 14, '67; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

832 Residence, 83 Spring St., room No. — 3d floor; address, Lewis, Andrew; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, six months; county, fifty-seven years; State, fifty seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 65 Prince St., room No. — 2d floor; address, Foersch, Albert W.; sworn, yes, nativity, Pa.; color, white; term of residence, election district, five months; assembly district, five months;

county, forty years; State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 65 Prince St.; room No. — house; address, Clancy, Charles N.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, forty-four years; State, forty-four years; naturalized yes; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 65 Prince St., room No. — 2d floor; address, Cooper, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, three months; county, thirty-six years; State, thirty-six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified —; date of erasing name, —; voted November, —; challenged, —; remarks, ...

833 Residence, 67 Prince St., room No. — 1st floor; address, Curran, Thos. J.; sworn, yes; nativity, England; color, white; term of residence, election district, two years; assembly district, two years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, July, '76; court, com. pleas; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 432 Broome St., room No. — top; address, Fuchs, George; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 18, '76; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, ...; challenged, ...; remarks, ...

Residence, 269 Mulberry St., room No. — 1st —; address, Comincio, Salvator; sworn, yes; nativity, Italy; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, Oct. 16, '86; court, com. pleas.; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, ...; remarks, —.

Residence, 269 Mulberry St., room No. — top; address, Magliano, Antonia; sworn, yes; nativity, Italy; color, white; term of residence, election district, seven months; assembly district, seven months; county, seven years; State, seven years; naturalized, yes; date of papees, Oct. 9, '84; court, superior; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

834 Residence, 8 Jersey St., room No. — 1st —; address, Faualla, Prospero; sworn, yes; nativity, Italy; color, white; term of residence, election district, ten years; assembly district, ten

years; county, ten years; State, ten years; naturalized, yes; date of papers, Sept. 26, '84; court, com. pleas; qualified voter, yes; date of application, Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 8 Jersey St., room No. —; 1st —; address, Pacco, Talmo; sworn, yes; nativity, Italy; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, Oct. 17, '85; court, com. pleas; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 70 Crosby St., room No. — 1st —; address, Rizzo, Angelo; sworn, yes; nativity, Italy; color, white; term of residence, election district, four years; assembly district, four years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers April 15, 1878; court, superior; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 68 Crosby St., room No. — 2d —; address, Bruno, Francesso; sworn, yes; nativity, Italy; color, white; term of residence, election district, four years; assembly district, four years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers July 10, '77; court, superior; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

835 We, the undersigned, inspectors of election in the sixteenth election district of the third assembly district of the city and county of New York, do jointly and severally certify, that at the general registration of voters, held in the said election district on the 6th and 14th days of October, and the 23rd and 24th days of October, in the year 1885, there were registered by us as qualified voters in the said election district, the names which in this book are entered as of said says, and that the number of such registered and qualified voters was and is one hundred and fifty (150).

Dated New York, October 24, 1885.

JOHN HAYES.
THOMAS H. MACKLIN.
WALTER J. MACKLIN.
WILLIAM H. MANGIN.

836 "EXHIBIT 'F'—JOSEPH KELLY."

I, Charles S. Whitman, notary public in and for the county of New York and State of New York, certify that the said Joseph Kelly, witness, wrote in my presence the said words "Exhibit F" and subscribed his name thereto, and that this "Exhibit F" is the identical

"Exhibit F" which said witness made part of his answer to question No. 6 of this his deposition, and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County,
State of New York.

(Internal revenue 10 cts. stamp canceled Sept. 9, '98. C. S. W.)

837 Inspectors' Copy.

Register of Voters of the Sixteenth Election District of the Third Assembly — of the City of New York, 1884.

This registry book must be filed in the office of the chief of the bureau of elections within twenty-four hours after the completion of the canvass of the votes, in compliance with section 1866 of chapter 410 of the Laws of 1882, cited as the New York city consolidation act.

SECTION 1866. The inspectors of election in each election district of the city and county of New York shall, on the day of any election therein, have with them at the polling place in said district the registers provided for in this chapter. They shall each make use of one of said registers for guidance on said day, and no vote shall be received from any person whose name shall not be found by at least three of them to be upon at least three of the said registers as a qualified voter. And it shall further be the duty of each of the inspectors immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided and attach to them a certificate in writing, that the same are correctly checked, and within twenty-four hours after the completion of the canvass of votes cast in the election district in which they serve, to leave said registers at the office of the chief of the bureau of elections, whose duty it shall be to file and preserve the same as provided in this chapter, and in no election district in the said city and county shall any inspector who has custody or charge of either of the register- in this chapter provided for, ever permit said register to leave his possession from the time of receiv-
838 ing custody of the same until he shall file the same as provided in this chapter, save in the event of his resignation or removal, and the appointment as provided in this chapter of his successor, when he shall promptly surrender and turn over the same to him.

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841 Register of Voters of the Sixteenth Election District of the Third Assembly District of the City of New York, 1884.

Residence, 518 Broadway, room No. — 3d floor; address, Van Busselman, Phillip; sworn, yes; nativity, N. J.; color, white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 518 Broadway, room No. — 2d floor; address, La Rose, Andrew; sworn, yes; nativity, Can.; color, white; term of residence, election district, four years; assembly district, four years; county, five years; State, five years; naturalized, yes; date of papers, Oct. 17, 1880; court, superior; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 581 Broadway, room No. — top floor; address, Williams, Henry; sworn, yes; nativity, N. Y.; color, col.; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 393; address, Comfort, Samuel; sworn, yes; nativity, Pa.; color, white; term of residence, election district, four months; assembly district, one year;
842 county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 554; address, Nolan, James; sworn, yes; nativity, Pa.; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 585; address, Golden, Timothy; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, one year; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers, July 10, 1864; court, superior; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 514 Broadway, room No. 536; address, Mignalt, Eusebe; sworn, yes; nativity, Ver.; color, white; term of residence, election district, two months; assembly district, two months; county, twenty-

five years; State, twenty-five years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application, Oct. 15; why disqualified, ...; date of erasing name, ...; voted November, yes; challenged, ...; remarks, —.

Residence, 584 Broadway, room No. 559; address, Shay, Mortimer F.; sworn, yes; nativity, R. I.; color, white; term of residence, election district, five years; assembly district, five years; county,
843 ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 558; address, O'Connor, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 559; address, Simpson, Frank J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 558; address, Renson, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one month; assembly district, one month; county, twenty-six years; State, twenty-six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 561; address, Dunne, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eight years; assembly district, eight years; county, forty years; State, forty years; naturalized, yes; date of papers
844 March 31, 1862; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 582; address, Wood, Arthur R.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, eighteen years; State, eighteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 365; address, Sullivan, T. Sylvester; sworn, yes; nativity, Can.; color, white; term of residence, election district, one month; assembly district, one month; county, nineteen years; State, nineteen years; naturalized, yes; date

of papers, Jan. 3, '79; court, county ct. Rensselaer Troy; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 558; address, Carlson, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, Oct. 27, '84; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 581; address, Morris, A. John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two yesrs; naturalized, —; date of papers, —;
845 court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 177; address, Chass; Charles E.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, two years; assembly district, two years; county, four years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 105; address, Coe, F. Russell; sworn, yes; nativity, Conn.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 107; address, Coe, J. Timothy; sworn, yes; nativity, Conn.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 81 Marion St., room No. —; 3d floor; address, Casey, J. William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty-three years; assembly district, thirty-three years; county, thirty-three years; State, thirty-three
846 years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 81 Marion St., room No. — 1 floor; address, Sheridan, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eight years; assembly district, eight years;

county, eight years; State, eight years; naturalized, yes; date of papers May 9, '56; court, com. pleas; qualified voter, yes; date of application, Oct. 24; why disqualified, —; date of erasing name —; voted November, yes; challenged —; remarks, —.

Residence, 85 Marion St., room No. — house; address, Allen, Stanton; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 88 Madison Av., room No. — 4th floor; — Simpson, Samuel; sworn, yes; nativity, N. Y.; color, black; term of residence, election district, one year; assembly district, one year; county, fifty-nine years; State, fifty-nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 88 Marion, room No. — 1st floor; address, Murrell, Alonso S.; sworn, yes; nativity, U. S.; color, black; term of residence, election district, one year; assembly district, thirteen years; 847 county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 88 Marion St., room No. — house; address, King. Samuel; sworn, yes; nativity, Penn.; color, black; term of residence, election district, five years; assembly district, five years; county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 89 Marion, room No. — 1st floor; address, Rabbell, Augustine; sworn, yes; nativity, Cuba; color, black; term of residence, election district, two months; assembly district, two months; county, eighteen years; State, eighteen years; naturalized, yes; date of papers, Oct. 20, 1866; court, U. S. dist.; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 57 Mulberry, room No. — house; address, Durnin, Thos.; sworn, yes; nativity, U. S.; color, white; term of residence, election district, one month; assembly district, one month; county, twenty-nine years; State, twenty-nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — house; address, Gallagher, Hugh; sworn, yes; nativity, Ireland; color, white; term of residence,

election district, one year; assembly district, twenty years;
848 county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 24, '79; court, com. pleas; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Cleason, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No.... 2 floor; address, Fitzgerald, Michael; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, two years; county, thirty-four years; State, thirty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7; why disqualified, ...; date of erasing name, ...; voted November, yes; challenged, ...; remarks, ...

Residence, 259 Mulberry, room No. — 3d floor; address, Gamble, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, nine months; assembly district, twenty-seven years; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. ... 3d floor; address, Fallen, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two
849 years; county, thirty-one years; State, thirty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 3d floor; address, Flynn, H. Dennis; sworn, yes; nativity, Nev.; color, white; term of residence, election district, seven months; assembly district, seven months; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Kunkell, Valentine; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five months; assembly district, five months; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Kelly, Edward; sworn, yes; nativity, N. Y.; color, white; term of resi-

dence, election district, two years; assembly district, twenty-seven years; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Fallen, Michael; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, thirty-seven
850 years; county, thirty-seven years; State, thirty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 3d floor; address, Barry, Richard; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, five years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged—; remarks, —.

Residence, 259 Mulberry, room No. — 3d floor; address, Hart, Jos. T.; sworn, yes; nativity, N. J.; color, white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Nolan, Mortimer; sworn, yes; nativity, Ireland; color, white; term of residence, election district, three months; assembly district, three months; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, Oct. 18, '65; court, Albany court of —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Shine, Timothy; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven months; assembly district, seven
851 months; county, forty-one years; State, forty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Gleason, Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, four months; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Foster, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, six months; county, twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, Berger, Samuel; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 2d floor; address, McGovern, Francis; sworn, yes; nativity, U. S.; color, white; term of residence, election district, two months; assembly district, two
852 months; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 259 Mulberry, room No. — 3rd floor; address, Irvin, H. Richard; sworn, yes; nativity, Tenn.; color, white; term of residence, election district, three months; assembly district, three months; *State*, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, ...; remarks, —.

Residence, 259 Mulberry, room No. — 3d floor; address, Marsden, James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, six years; county, eight years; State, thirty-one years; naturalized, native; date of papers, ...; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 261 Mulberry, room No. — basement; address, Herrmann, C. F. Jean; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years; county, twenty years; State, twenty years; naturalized, yes; date of papers Aug. 22, 1867; court, com. pleas; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 261 Mulberry, room No. — house; address, Moore, Hugh; sworn, yes; nativity, Ireland; color, white; term of residence, election district, fifteen years; assembly district, fifteen
853 years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers Oct. 25, '66; court, com. pleas; qualified voter, yes; date of application Oct. 15; why disqualified, —; date

of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 263 Mulberry, room No. — 3d floor; address, Parker, E. Moses; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 263 Mulberry, room No. — house; address, Kelly, S. James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 263 Mulberry, room No. — house; address, Doulin, George; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, thirty-one years; State, thirty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 1st floor; address, Decker, Theodore; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, six months; assembly district, thirty-
854 four years; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 1st floor; address, Foley, D. Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty-nine years; assembly district, thirty-nine years; county, thirty-nine years; State, thirty-nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — rear; address, Dunn, J. John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years, assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 267 Mulberry, room No. — 1st rear floor; address, Foley, Thomas E.; sworn, yes; nativity, U. S.; color, white; term of residence, election district, forty-two years; assembly district, forty-two years; county, forty-two years; State, forty-two years; nat-

uralized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 4th —; address, Rafferty, ——; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; 855 county, eighteen years; State, eighteen years; naturalized, yes; date of papers Aug. 7, 1867; court, com. pleas; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name —; voted November, —; challenged —; remarks, —.

Residence, 267 Mulberry, room No. — 3d floor; address, Madigan, Daniel; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four months; assembly district, four months; county, thirty-five years; State, thirty-five years; naturalized, yes —; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, voted on father's papers.

Residence, 267 Mulberry, room No. — barn; address, Hoffman, Henry; sworn, yes; nativity, N. Y.; term of residence, election district, one year; assembly district, one year; county, four months; State, thirty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry, room No. — 2d floor; address, Dunn, Daniel; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, thirty years; State, thirty years; naturalized, yes; date of papers Oct. 19, 1860; court, com. pleas; qualified voter, yes; date of application Oct. 25th; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — 1st floor; address, Steck, Frederick; sworn, yes; nativity, Germany; color, white; term of residence, election district, twelve years; assembly district, 856 eighteen years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Sept. 4, 1872; court, superior; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — 1st floor; address, MacDonald; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven months; assembly district, ten years; county, thirty-two years; State, thirty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 1st fl.; address, Peath,

John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 4th fl.; address, Peters, Alfred; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified, voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. — 4th fl.; address, Reier, Henry; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years;
857 county, twenty-six years; State, twenty-six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry, room No. —, 2d fl.; address, McClusky, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers Sept. 22d, 1852; court, Brooklyn city ct.; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. — 1st fl.; address, Kelly, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, thirty-seven years; State, thirty-seven years; naturalized, yes; date of papers, Oct. 8, 1852; court, superior; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. — 4th fl.; address, Bower, Hugo; sworn, yes; nativity, Germany; color, white; term of residence, election district, four years; assembly district, four years; county, nine years; State, nine years; naturalized, yes; date of papers, July 26, 1871; court, St. Louis ct.; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. — 3d floor; address, Pait, Julius; sworn, yes; nativity, Swiss; color, white; term of residence, election district, three years; assembly district, three years; county, seventeen years; State, seventeen years; naturalized, yes;
858 date of papers Oct. 16, 1884; court, com. pleas; qualified voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry, room No. — 2d fl.; address, Kelly,

Arthur; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers Nov. 19, 1857; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — 3rd fl.; address, Widner, Robert; sworn, yes; nativity, Switz.; color, white; term of residence, election district, one year; assembly district, one year; county, eighteen years; State, eighteen years; naturalized, yes; date of papers, Oct. 23, 1880; court, U. S. dist. ct.; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 277 Mulberry St., room No. — 3d fl.; address, Maloney, John; sworn, yes; nativity, U. S.; color, white; term of residence, election district, seven months; assembly district, seven months; county, thirty-one years; State, thirty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 3d fl.; address, Gimbill, John; sworn, yes; nativity, N. Y.; term of residence, election district, seven years; assembly district, seven years; county,
859 thirty-one years; State, thirty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry St., room No. — 2d fl.; address, Morgan, Joseph; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, forty-seven years; State, forty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry St., room No. — 2d fl.; Macklin, Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-four years; assembly district, twenty-four years; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified —; date of erasing name —; voted November, —; challenged —; remarks, —.

Residence, 279 Mulberry, room No. —; address, Macklin, Peter C.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-seven years; assembly district, twenty-seven years; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 249 Mulberry, room No. — 1st fl.; address, Macklin,

Walter J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-two years; assembly district, 860 twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name—; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry, room No. — 1st fl.; address, Macklin, H. Francis; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, fifty years; assembly district, fifty years; county, fifty years; State fifty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry; room No. — 2d fl.; address, Moran, Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, forty years; assembly district, forty years; county, forty years; State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 2d fl.; address, McGuiness, Hugh; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers Oct. 27, '59; court, com. pleas; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 2d fl.; address, McGuiness, Thomas; sworn, yes: nativity, N. Y.; color, white; term of residence, election district, twenty-six years; assembly district, twenty-six years; county, twenty-six years; State, twenty-six years; natural-
861 ized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 1st floor; address, Lindsey, H. William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, forty-two years; State, forty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 2d fl.; address, Blake, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted

November, no; *why disqualified, — ; date of erasing name, — ; voted November, no;* challenged, —; remarks, —.

Residence, 281 Mulberry, room No. — 2 fl.; address, Brennan, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, two months; State, twenty-four years; county, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. ... 2d floor; address, Griffin, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers,
862 Oct. 7, 1878; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry, room No. ... 4th floor; address, Ryan, Roger; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, thirty years; State, thirty years; naturalized, yes; date of papers Oct. 21, '67; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, ...

Residence, 281 Mulberry, room No. — 2d floor; address, Boyle, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers Oct. 24, '79; court, superior; qualified voter, yes; date of application Oct. 26; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 42 Crosby, room No. — house; address, Schlemmer, George; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, five years; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers, Dec. 4, 1854; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November yes; challenged, —; remarks, —.

Residence, 54 Crosby St., room No. — 1st fl.; address, Socyes, Francis; sworn yes; nativity, Tenn.; color, white; term of residence, election district, two years; assembly district, two years; county, twelve years; State, twelve years; naturalized, native; date
863 date of papers, --; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby St., room No. — 2d fl.; address, Mackey, F. James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, twenty-seven years; county, twenty-seven years; State, twenty-seven years; naturalized,

native; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby, room No. — 1st fl.; address, Welch, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, three years; assembly district, three years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, Oct. 20, 1884; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 72 Crosby, room No. — 1st fl.; address, McClenan, William; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one month; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, Oct. 25, 1876; court, superior; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby, room No. — 3d fl.; address, Burmingham, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four months; assembly district, fourteen years; county, fourteen years; State, fourteen years; naturalized, —; date of papers, Oct. 21, '70; court, superior; qualified voter, yes; 864 date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 112 Crosby, room No. — 2d fl.; address, Fealy, Edward W.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, thirty-two years; county, thirty-two years; State, thirty-two years; naturalized, yes; date of papers Oct. 6, '58; court, com. pleas; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 113 Crosby, room No. — house; address, Greanny, M. James; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-five years; assembly district twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 113 Crosby, room No. — house; address, Hall, J. Wadrobe; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence. 116 Crosby, room No. — house; address, Schultz, Henry; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; nat-

uralized, yes; date of papers Sept. 12, 1864; court, com. pleas;
865 qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby, room No. — house; address, Welch, William; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one month; assembly district, one month; county, 17 years; State, seventeen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby, room No. — house; address, Meye, Louis; sworn, yes; nativity, Germany; color, white; term of residence, election district, nine months; assembly district, fifteen months; county, fifteen months; State, fifteen months; naturalized, yes; date of papers, Oct. 2, 1876; court, N. J. com. pleas; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 119 Crosby, room No. — 1st floor; address, Flannigan, Edward; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers Oct. 22, 1858; court, com. pleas; qualified voter, yes; date of application, Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 119 Crosby room No. — 2d fl.; address, Delancy, F. Joseph; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court,—; qualified voter, yes; date of
866 application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 119 Crosby, room No. — 3d fl.; address, Harley, J. John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, thirty-two years; State, thirty-two years; naturalized, yes; date of papers, Sept. 8, 1861; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby, room No. — 2d fl.; address, Reece, Thomas; sworn, yes; nativity, Eng.; color, white; term of residence, election district, six months; assembly district, six months; county, fourteen years; State, fourteen years; naturalized, yes; date of papers, Sept. 29, 1865; court, Penn. sup. ct.; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby, room No. — 1st fl.; address, Underhill, Daniel; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county,

thirty-four years; State, thirty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 117 Crosby, room No. — 2d fl.; address, Thompson, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, seven years; county, seventeen years; State, seventeen years; naturalized, yes; date of papers, Oct. 16, 1875; court, superior; qualified voter, yes;
867 date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby, room No. — 3d fl.; address, Smith, W. Lourcy; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, nine years; State, nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby, room No. — 1st fl.; address, Lighthall, Frank; sworn, yes; nativity, U. S.; color, white; term of residence, election district, two years; assembly district, two years; county, seven years; State, thirty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 121 Crosby, room No. —; address, Mattheison, Frederick; sworn, yes, nativity, Germany; color, white; term of residence, election district, two years; assembly district, fifteen years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 24, 1879; court, com. pleas; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 Crosby, room No. — house; address, Casey, William; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; county, thirty-six years; State, thirty-six years; naturalized, yes; date of papers, Oct. 18, 1865; court, com. pleas; qualified voter, yes; date of
868 application Oct. 24; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 121 Crosby St. room No. — 2d fl.; address, Burmingham, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, Oct. 26, 1860; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 125 Crosby, room No. — 1st fl.; address, Peterine, Frank; sworn, yes; nativity, Italy; color, white; term of residence,

election district, four months; assembly district, four months; county, twenty-nine years; State, twenty-nine years; naturalized, yes; date of papers, Oct. 16, 1872; court, superior; qualified voter, yes; date of application, Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 126 Crosby, room No. — 2d fl.; address, Silcher, Jacob; sworn, yes; nativity, Germany; color, white; term of residence, election district, five months; assembly district, five months; county, thirty years; State, thirty years; naturalized, yes; date of papers, Nov. 13, 1861; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 126 Crosby, room No. — 2d fl.; address, Warner, Walter G., sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two months; assembly district, two months; county, three years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application
869 Oct. 25; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 133 Crosby, room No. — basn. address, Foundation, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers Oct. 25, 1882; court, superior; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged,—; remarks, —.

Residence, 133 Crosby, room No. — basn.; address, Lynch, Christopher; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 133 Crosby, room No. — 1st fl.; address, Bolpp; Christoff; sworn, yes; nativity, Germany; color, white; term of residence, election district, twenty-three years; assembly district, twenty-three years; county, thirty-five years; State, thirty-five years; naturalized, yes; date of papers Oct. 17, 1866; court, com. pleas; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 133 Crosby, room No. — 1st fl.; address, Millenberger, Tony; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven years; assembly district, seven years; county, twenty-five years; State, twenty-five years; naturalized, na-
870 tive; date of papers ...; court, ...; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby, room No. — rear; address, Macdonald

Francis; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, voted on father's papers.

Residence, 135 Crosby, room No. — 2d fl.; address, Jenther, K. Albert; sworn; yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, four years; State, four years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby, room No. — rear 2d fl.; address, Murray, Daniel; sworn, yes; nativity, U. S.; color, white; term of residence, election district, one months; assembly district, one month; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — 2d fl.; address, Weiss, Henry; sworn, yes; nativity, Austria; color, white; term of residence, election district, six months; assembly district, six months; county, eleven years; State, eleven years; naturalized, yes;
871 date of papers, Oct. 17, 1884; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby, room No. — 1st fl.; address, Jordan, Peter; sworn, yes; nativity, Germany; color, white; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers Oct. 25, 1878; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — 3d fl.; address, Conningham, J. Richard; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two weeks; assembly district, thirty-four years; county, thirty-four years; State, thirty-four years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby St., room No. — 1 floor; address, Kelly, W. Peter; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district, four months; county, six months; State, twenty-two years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of applica-

tion Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby, room No. — 2 floor; address, Hayes, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, native; date
872 of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby, room No. — 1st floor; address, Cambell, J. William; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, forty-four years; State, forty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby, room No. — 4th floor; address, O'Reilly, Michael; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-two years; assembly district, twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 138 Crosby St., room No. — 4th floor; address, Tansey, A. Joseph; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-four years; assembly district, twenty-four years; State, twenty-four years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby, room No. — 4th floor; address, O'Reilly, Michael, Sr.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, thirty-four years; State, thirty-four years; naturalized, yes; date of papers Oct. 25, 1860; court, —; qualified voter,
873 yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby, room No. — 4 floor; address, Davison, Emmett; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, thirteen years; State, thirteen years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby, room No. — 3d fl.; address, Cunningham, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, —;

court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, votes on father's papers.

Residence, 140 Crosby, room No. — 3rd floor; address, Cunningham, Alfonze; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, ...; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —.; remarks, —.

Residence, 140 Crosby, room No. —; address, Bennet, Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, twenty-two years; assembly district, twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 140 Crosby, room No. — 2d floor; address, Lynch, Michael; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, ten years; assembly district, ten years; county, thirty-seven years; State, thirty-seven years; naturalized, yes; date of papers, Aug. 18, 1856; court, com. pleas; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby, room No. — 2d floor; address, Lynch, John Jr.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, seven years; assembly district, seven years; county, twenty-five years; State, twenty-eight years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, votes on father's papers.

Residence, 140 Crosby St., room No. — 1 floor; address, Lynch, B. Lawrence; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Oct. 24, 1860; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby, room No. — 4th floor; address, Bennet, William; sworn, yes; nativity, N. Y.; color, white; term of residence, election district twenty-one years; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native, date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 140 Crosby St., room No. — 4 floor; address, Jordan, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six months; assembly district, six months;

county, thirteen years; State, thirteen years; naturalized, yes; date of papers Oct. 20, 1880; court, superior; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby, room No. — 4 floor; address, Riley, Thomas; sworn, yes; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby, room No. — 3d floor; address, Bennett, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty-three years; assembly district, thirty-three years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, July 26, '64; court, com. pleas; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 15 Houston, room No. — basement; address, Seppenteld, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, four years; assembly district, seven years; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers April 7, 1866; court, superior; qualified voter, yes; date of application Oct. 17; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

876 Residence, 15 Houston St., room No. — 2d floor; address, Gebhart, George; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, twenty years; State, twenty years; naturalized, yes; date of papers Oct. 11, 1876; court, com. pleas; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 Houston, room No. 5; address, Packard, Frank N.; sworn, yes; nativity, Maine; color, white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 Houston, room No. — 3rd floor; address, Williams, John W.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, sixty years; State, sixty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —, remarks, —.

Residence, 19 Houston, room No. — 3rd floor; address, Danks, Francis; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, twenty years; State, forty years; naturalized, native; court, —; qualified voter, yes; date of application Oct. 7; why disqualified,

—; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 Houston, room No. —; address, Randolph, Samuel E.; sworn, yes; nativity, N. J.; color, white; term of resi-
877 dence, election district, two years; assembly district, two years; county, eight years; State, five years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 Houston room No. 9; address, Bernard, Geo. M.; sworn, yes; nativity, N. C.; color, white; term of residence, election district, two years; assembly district, two years; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — base. address, Cuozzo, Donato; sworn, yes; nativity, Italy; sworn, yes; color, white; term of residence, election district, eight years; assembly district, eight years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers, Nov. 22, 1883; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — basement; address, Doctorman, Paul; sworn, yes; nativity, Germany; color, white; term of residence, election district, six years; assembly district, six years; county, fourteen years; State, fourteen years; naturalized, yes; date of papers Oct. 23, 1876; court, superior; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 3d floor; address, Deidrich, William; sworn, yes; nativity, Germany; color, white; term
878 of residence, election district, three years; assembly district, three years; county, five years; State, five years; naturalized, yes; date of papers, March 16, 1859; court, superior; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 2d floor; address, Koester, August; sworn, yes; nativity, Germany; color, white; term of residence, election district, fourteen years; assembly district, fourteen years; county, seventeen years; State, seventeen years; naturalized, yes; date of papers July 28, '79; court, com. pleas; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 2d floor; address, Deckert, Emiel; sworn, yes; nativity, N. Y.; color, white; term of residence election district, fourteen years; assembly district, fourteen years; county, fourteen years; State, fourteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of applica-

tion Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 2d floor; address, Mayer, Joseph; sworn, yes; nativity, Eng.; color, white; term of residence, election district, seven years; assembly district, seven years; county, thirty-one years; State, thirty-one years; naturalized, yes; date of papers Oct. 7, 1880; court, com. pleas; qualified voter, yes; date of application Oct. 7; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston St., room No. — 2d floor; address, Delorne, Isadore; sworn, yes; nativity, France; color, white; term of
879 residence, election district, five years; assembly district, five years; county, thirty-one years; State, thirty-one years; naturalized, yes; date of papers, Oct. 19, '66; court, com. pleas; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 2d floor; address, Hopenstein, J. Carl; sworn, yes; nativity, U. S.; color, white; term of residence, election district, three months; assembly district, three months; county, one year; State, twenty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 1st floor; address, Luschner, John; sworn, yes; nativity, Germ.; color, white; term of residence, election district, two months; assembly district, two months; county, one year; State, one year; naturalized, yes; date of papers Oct. 24, 1884; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, no; challenged, — remarks, —.

Residence, 21 Houston, room No. — 2d floor; address, Doody, John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, twenty four years county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. 9; address, Chappuit, Jean; sworn, yes; nativity, France; color, white; term of residence, election district, eight years; assembly district, eight years;
880 county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, Oct. 4, 1869; court, com. pleas; qualified voter, yes; date of application, Oct. 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 2d floor; address, Haroth, Theodore; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years;

county, six years; State, six years; naturalized, yes; date of papers, Oct. 21, 1872; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 25 Houston, room No. — 2d floor; address, Dwyer, John C.; sworn, yes; naticity, Ireland; color white; term of residence, election district, twenty-two years; assembly district, twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, yes; date of papers, Oct. 14, 1872; court, com. pleas; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 25 Houston, room No. — 3d floor; address, Turner, Samuel; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, ten years; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 25 Houston St., room No. — 1st floor; address, Heinecke, W. Edward; sworn, yes; nativity, Germany; color,
881 white; term of residence, election district, seven years; assembly district, seven years; county, twenty-seven years; State, twenty-seven years; naturalized, yes; date of papers, Oct. 19, 1866; court, com. pleas; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — 1st floor; address, Heindel, Joseph; sworn, yes; nativity, Austria; color, white; term of residence, election district, seven years; assembly district, seven years; county, twelve years; State, twelve years; naturalized, yes; date of papers, June 23, 1881; court, com. pleas; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houson, room No. — 2d floor; address, Lynch, P. Fred.; sworn, yes; nativity, Ill.; color, white; term of residence, election district, eight years; assembly district, eight years; county, sixteen years; State, sixteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 21 Houston, room No. — store; address, Durham J. Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, twenty-eight years; State, twenty-eight years; naturalized, *native;* date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 Houston, room No. — store; address, Heindel,

Joseph, Jr.; sworn, yes; nativity, Austria; color, white; term
882 of residence, election district, seven years; assembly district, seven years; county, twelve years; State, twelve years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, votes on father's papers.

Residence, 27 Houston, room No. —, basement; address, Roos, Ludwig; sworn, yes; nativity, Germany; color, white; term of residence, election district, six years; assembly district, six years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers, Oct. 17, 1874; court, com. pleas; qualified voter, yes; date of application, Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 4 Jersey, room No. — house; address, Keliher, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; county, twenty years; State, twenty years; naturalized, yes; date of papers, Oct. 15, 1880; court, superior; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 4 Jersey, room No. — 2d floor; address, Pissana, Nonato; sworn, yes; nativity, Italy; color, white; term of residence, election district, nine months; assembly district, nine months; county, ten years; State, ten years; naturalized, yes; date of papers Oct. 18, 1883; court, com. pleas; qualified voter, yes; date of application, Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 5 Jersey, room No. — 2d floor; address, Meyehoffer, George; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, nine months; assembly district, nine
883 months; county, forty years; State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 7 Jersey; room No. — 1st floor; address, Sasso, O. Michael; sworn, yes; nativity, Italy; color, white; term of residence, election district, three years; assembly district, three years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers May 27, 1881; court, superior; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, challenged.

Residence, 82 Spring, room No. — 4th floor; address, Marinella, Guiseppe; sworn, yes; nativity, Italy; color, white; term of residence, election district, eighteen years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, yes; date of papers Oct. 15, 1879; court, com. pleas; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring, room No. — 1st floor; address, Lenz, John J.; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, yes; date of papers July 22, 1862; court, com. pleas; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

884 Residence, 83 Spring, room No. — 3d floor; address, Baden, Alcide; sworn, yes; nativity, France; color, white; term of residence, election district, one year; assembly district, ten years; county, thirty-four years; State, thirty-four years; naturalized, yes; date of papers Oct. 16, 1863; court, com. pleas; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring St., room No. — 2d floor; address, Weber, Auguste; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, Oct. 18, 1878; court, superior; qualified voter, yes; date of application Oct. 7; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring, room No. — 4th floor; address, Granberg, Naflall; sworn, yes; nativity, Austria; color, white; term of residence, election district, six months; assembly district, six months; county, eleven years; State, eleven years; naturalized, yes; date of papers, Aug. 20, '83; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 65 Prince, room No. — house; address, Clancy, M. Charles; sworn, yes; nativity, Ireland; color, white; term of residence, election district, seven years; assembly district, twenty years; county, forty-two years; State, forty-two years; naturalized, yes; date of papers, ...; court, ...; qualified voter, yes; date of application Oct. 24; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, votes on father's papers.

885 Residence, 65 Prince St., room No. — house; address, Donald, O. Thomas; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, seven years; assembly district, seven years; county, twenty-two years; State, twenty-two years; naturalized, native; date of papers ...; court, ...; qualified voter, yes; date of application Oct. 24; why disqualified, —; voted November, yes; challenged, —; remarks, —.

Residence, 432 Broome, room No. —; 3d floor; address, Fuchs, George; sworn, yes; nativity, Germany; color, white; term of residence, election district, four years; assembly district, four years; county, nineteen years; State, nineteen years; naturalized, yes; date of papers, Oct. 18, '76; court, com. pleas; qualified voter, yes; date

of application Oct. 7; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 E. Houston, room No. — 4th floor; address, McGeough, J. Frank; sworn, yes; nativity, N. Y.; color, white; term of residecne, election district, one year; assembly district, 20 years; county, twenty-eight years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 E. Houston, room No. — 3d floor; address, McGloin, J. Edward; sworn, yes; nativity, U. S.; color, white; term of residence, election district, four months; assembly district, two years; county, forty years; State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 E. Houston, room No. — 3d floor; address, Paine; John; sworn, yes; nativity, Spain; color, white; term of residence, election district, one year; assembly district, one year;
886 county, twenty-six years; State, twenty-six years; naturalized, yes; date of papers, Oct. 14, 1868; court, Brooklyn City Ct.; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 7 E. Houston, room No. —, 1st floor; address, Corker, Robert; sworn, yes; nativity, S. C.; color, black, term of residence, election district, three years; assembly district, three years; county, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 15th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 10 Jersey, room No. — 1st floor; address, Gueirath, Michele; sworn, yes; nativity, Italy; color, white; term of residence, election district, eleven years; assembly district, fourteen years; county, fourteen years; State, fourteen years; naturalized, yes; date of papers, July 11, 1879; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 10 Jersey, room No. — 3d floor; address, Fanella, Prospera; sworn, yes; nativity, Italy; color, white; term of residence, election district, nine years; assembly district, twelve years; State, twelve years; naturalized, yes; date of papers, Sept. 16, 1884; court com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 10 Jersey, room No. — 3d floor; address, Aggulia, Roco Michelle; sworn, yes; nativity, Italy; *sworn, yes;* color,
887 white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years;

naturalized, yes; date of papers, May 6, 1884; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 2½ Jersey, room No. — 1st floor; address, Melle, Pasqualle; sworn, yes; nativity, Italy; color, white; term of residence, election district, year; assembly district, year; county, thirteen years; State, thirteen years; naturalized, yes; date of papers May 9, 1879; court, superior; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 13 Jersey, room No. — 2d floor; address, Flora, Carmina G.; sworn, yes; nativity, Italy; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, yes; date of papers, April 15, 1880; court, superior; qualified voter, yes; date of application, Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 292; address, Nash, M. Job; sworn, yes; nativity, Ohio; color, white; term of residence, election district, two years; assembly district, two years; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — house; address, Clair, Henry; sworn, yes; nativity, N. Y.; color, white; term of
888 residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 555; address, Steinbach, F. Millerd; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five months; assembly district, five months; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 580; address, Seymour, Frank; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, thirty-five years; State, thirty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 503; address, Keith, M. Otis; sworn, yes; nativity, Mass.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten

years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — 4th floor; address, Nickbocker, N. John; sworn, yes; nativity, N. Y.; color, white;
889 term of residence, election district, four months; assembly district, four months; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 515; address, Conlon, Michael; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, Sept. 16, 1880; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 584 Broadway, room No. 576; address, Bennett, F. Thomas; sworn, yes; nativity*k*, N. Y.; color, white; term of residence, election district, one month; assembly district, one month; county, eight months; State, eight months; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 560; address, Victor, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers Oct. 7, '72; court, sessions, Phila.; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 264; address, Bates, K. Charles; sworn, yes; nativity, U. S.; color, white; term of residence, election district, six months; assembly district, six
890 months; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 252; address, Otter, M. John; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 383; address, Mitchell, Peter; sworn, yes; nativity, Scotland; color, white; term of residence, election district, three months; assembly district, three months;

county, twenty years; State, twenty years; naturalized, yes; date of papers May, 1866; court, com. pleas; qualified voter, yes; date of application October 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 25 East Houston, room No. — 3d floor; address, Curtiss, Theodore; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, five years; assembly district, five years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

891 We, the undersigned, inspectors of election in the sixteenth election district of the third assembly district of the city and county of New York, do jointly and severally certify, that at the general registration of voters, held in the said election district, on the seventh and fifteenth dats of October, and the 24th and 25th days of October, in year, 1884; there were registered by us as qualified voters in the said election district the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is two hundred and one (201).

Dated New York, October 25, 1884.

THOMAS MACKLIN.
JAMES F. MACKLIN.
JOHN HAYES.
JOHN McCUE.

892 "EXHIBIT 'I'—JOSEPH KELLY."

I, Charles S. Whitman, notary public in and for the county of New York and State of New York certify that the said Joseph Kelly, witness; wrote in my presence the said words "Exhibit I" and subscribes his name thereto and that this "Exhibit I" is the identical "Exhibit I" which said witness made part of his answer to question No. 6 of this his deposition and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County, State of New York.

(Internal revenue 10 cts. stamp. Canceled Sept. 9, '98; C. S. W.)

893 Inspectors' Copy.

Register of Voters of the Sixteenth (16) Election District of the Third (3) Assembly District of the City of New York, 1885.

This registry book must be filed in the office of the chief of the bureau of election within twenty-four hours after the completion of the canvass of the votes, in compliance with section 866 of chapter

410 of the Laws of 1882, cited as the New York city consolidation act.

SECTION 866. The inspectors of election in each election district of the city and county of New York shall, on the day of any election therein, have with them at the polling place in said district the registers provided for in this chapter. They shall each make use of one of said registers for guidance on said day, and no votes shall be received from any person whose name shall not be found by at least three of them to be upon at least three of the said registers as a qualified voter. And it shall be the duty of each of the inspectors immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing, that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they serve, to leave said registers at the offive of the chief of the bureau of elections, whose duty it shall be to file and preserve the same as provided in this chapter. And in no election district in the said city and county shall any inspector, who has custody or
894 charge of either of the registers in this chapter provided for, ever permit said register to leave his possession from the time of receiving custody of the same until he shall file the same as provided in this chapter, save in the event of his resignation or removal, and the appointment as provided in this chapter of his successor, when he shall promptly surrender and turn over the same to him.

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896 Register of Voters of the Sixteenth Election District of the Third Assembly District of the City of New York, 1885.

Residence, 517 Broadway, room No. — 3d floor; address, Massett, John B.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 518 Broadway, room No. — 2d floor; address, Van Bussem, Philip; sworn, yes; nativity, N. J., color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 518 Broadway, room No. — 2d floor; address, Fisher, Henry H.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 518 Broadway, room No. — 3d floor; address, Waterbury, David M.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four months; assembly district,
897 four months; county, seven months; State, forty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23d; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 584 Broadway, room No. 152; address, Shaw, Charles P.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three months; assembly district, two years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — 5 floor; address, Williams, Henry; sworn, yes; nativity, N. Y.; color, col.; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, native; date papers, —; court, —; qualified voter, yes; date of application Oct. 14; why

disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 558; address, Brewster, Geo. D.; sworn, yes; nativity, N. H.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 591; address, Barnett, David; sworn, yes; nativity, N. Y.; color, white; term of resi-
898 dence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 559; address, Shea, Mortimer F.; sworn, yes; nativity, R. I.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. — 2d floor; address, Carlson, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers Oct. 22, '84; court, superior; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 479; address, Guyton, Henry Page; sworn, yes; nativity, Bal.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 585; address, Wood, Arthur R.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county,
899 twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 588; address, Nolan, James; sworn, yes; nativity, Penn.; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why

disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 586; address, Golden, Timothy; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; county, thirty-seven years; State, thirty-seven years; naturalized, yes; date of papers July 10, '54; court, superior; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 364; address, O'Sullivan, Sylvester J.; sworn, yes; nativity, Can.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers Jan. 3, '74; court, Penn. co. ct.; qualified voter, yes; date of application, Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 584; address, Keith, Otis M.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 584 Broadway, room No. 111; address, Nash, Job M.; sworn, affirmed; nativity, Ohio; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 560; address, Simpson, Frank J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 522; address, Gannon, William N.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 522; address, McLaughlin, James J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes;

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date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 554; address, Prescott, Frank W.; sworn, yes; nativity, Louis.; color, white; term of residence, election district, two years; assembly district, two years; county, eight years; State, eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 550; address, Seymour, Franklin; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence 584 Broadway, room No. 561; address, Dunne, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; State, ten years; naturalized, yes; date of papers March 31, 1862; court, com. pleas; qualified voter, yes; date of 'application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 584 Broadway, room No. 326; address, Mitchell, Peter; sworn, yes; nativity, Scotland, color, white; term of resi-
902 dence, election district, eighteen months; assembly district, eighteen months; county, twenty years; State, twenty years; naturalized, yes; date of papers May, 1866; court, com. pleas; qualified voter, yes; date of application Oct. 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 606 Broadway, room No. 72; address, Bishop, Arthur L.; sworn, yes, nativity, Georgia; color, white; term of residence, election district, six months; assembly district, six months; county, fourteen years; State, fourteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 606 Broadway, room number 127; address, Coe, Timothy J. Jr.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 606 Broadway; room number 105; address, Coe, Russell T.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, native; date of

papers, —; court, —; qualified voter, yes; date of application October 25; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 81 Marion street, room number —, third —; address, Caset, William J.; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty-five years; assembly
903 district, thirty-five years; county, thirty-five, years; State, thirty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 81 Marion street; room number — 3rd floor; address, Geghan, James; sworn, yes; nativity, New York; color white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 81 Marion street, room number — house; address, Sheridan, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, yes; date of papers, May 9th, 1856; court, com. pleas; qualified voter, yes; date of application October 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, ...

Residence, 81 Marion street; room number ... house; address, Sheridan, John; sworn, yes; nativity, New York; color, white; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, ...

Residence, 85 Marion street; room number —, first floor; address, Woods, Arthur; sworn, yes; nativity, New York; color, white;
904 term of residence, election district, eight months; assembly district, eight months; county, twenty-nine years; State, twenty-nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged ...; remarks, ...

Residence, 85 Marion St., room number — first floor; address, Woods, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eight months; assembly district, eight months; county, forty-four years; State, forty-four years; naturalized, yes; date of papers, September 30, 1856; court, common pleas; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 85 Marion St., room number — first floor; address,

Woods, Joseph; sworn, yes; nativity, New York; color, white; term of residence, election district, eight months; assembly district, eight months; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, ...; remarks, —.

Residence, 88 Marion St., room number — second floor; address, Arezza, Peter; sworn, yes; nativity, Italy; color, white; term of residence, election district, six months; assembly district, six months; county, fourteen years; State, fourteen years; naturalized, yes; date of papers, September 20th, 1880; court, common pleas; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 88 Marion street; room number —, second floor; address, Amert, Phillip; sworn, yes; nativity, Italy; color, white; term of residence, election district, six months; assembly district, six months; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, October 20, 1880; court, superior; qualified voter, yes; date of application, October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 88 Marion street; room number —, first floor; address, Gorenson Giovanni; sworn, yes; nativity, Italy; color, white; term of residence, election district, six months; assembly district, six months; county, nine years; State, nine years; naturalized, yes; date of papers, October 16th, 1884; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 257 Mulberry street; room number —, third floor; address, Higgins, Thomas; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 261 Mulberry street; room number —, house; address, Moore, Hugh; sworn, yes; nativity, Ireland; color, white; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, October 25th, 1866; court, common pleas; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 261 Mulberry street; room number —, basement; address, Herrmann, Gean C. F.; sworn, yes; nativity, Germany; color, white; term of residence, election district, four years; assembly,

district, four years; county, twenty-two years; State, twenty-two years; naturalized, yes; date of papers, August 22, 1867; court, common pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 263 Mulberry street; room number —, house; address, Kelly, James S.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 263 Mulberry street; room number —, house; address, Donnie, George T.; sworn, affirmed; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry street; room number —, house; address,
Maggio, Jossepe; sworn, yes; nativity, Italy; color, white;
907 term of residence, election district, four months; assembly district, four months; county, twenty years; State, twenty years; naturalized, yes; date of papers October 18th, 1877; court, superior; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry street; room number —, top —; address, Hoffman, Henry; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 267 Mulberry street; room number —, basement; address, Lanritano, Vincenvo; sworn, yes; nativity, Italy; color, white; term of residence, election district, two months; assembly district, two months; county, eight years; State, eight years; naturalized, yes; date of papers, October 21st, 1885; court, superior; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry street, room number —, second floor; address, McDonald, James; sworn, yes; nativity, New York; color, white; term of residence, election district, six years; assembly district, six years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

908 Residence, 275 Mulberry street; room number, — third floor; address, Gimbel, John; sworn, yes; nativity, New York; color, white; term of residence, election district, six years; assembly district, six years; county, thirty-two years; State, thirty-two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry street; room number —, top; address, Peters, Alfred; sworn, yes; nativity, Conn.; color, white; term of residence, election district, two years; assembly district, two years; county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry street; room number —, first floor; address, Link, Andrew; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, one year; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry street, room number —, second floor; address, Peaht, John; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application October 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

909 Residence, 275 Mulberry street., room number —, third floor; address, McClusky, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, September 22, 1853; court, Kings County court; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry street, room number —, second floor; address, Morgan, Joseph; sworn, yes; nativity, New York; color, white; term of residence, election district, six years; assembly district, six years; county, forty-eight years; State, forty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry street, room number —, fifth floor; address, Coleman, Thomas P.; sworn, yes; nativity, New York; color,

white; term of residence, election district, five months; assembly district, five months; county, thirty-nine years; State, thirty-nine years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 275 Mulberry street, room number —, second floor; address, Stich, Frederick; sworn, yes; nativity, Germany; color, white; term of residence, election district, eighteen years; assembly district, eighteen years; county, eighteen years; State, eighteen years; naturalized, yes; date of papers, Sept. 14, 1872; court, superior; qualified voter, yes; date of application, October
910 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry street; room number ..., second floor; address, Kelly; Arthur; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, November 19, 1857; court, common pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, ...

Residence, 277 Mulberry street; room number —, first floor; address, Kelly, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, seven years; assembly district, seven years; county, thirty-eight years; State, thirty-eight years; naturalized, yes; date of papers October 8th, 1852; court, superior; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 277 Mulberry street, room number —, fourth floor; address, Pait, Julius; sworn, yes; nativity, Switzerland; color, white; term of residence, election district, five years; assembly district, five years; county, ten years; State, ten years; naturalized, yes; date of papers October 16, 1884; court, common pleas; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry street; room number —, first floor; address, Macklin, Walter, J.; sworn, yes; nativity, New York;
911 color, white; term of residence, election district, twenty-three years; assembly district, twenty-three years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry street; room number —, Macklin, Thomas H.; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-six years; assembly district, twenty-six years; county, twenty-six years; State, twenty-six years; natu-

ralized, native; date of papers, —; court,—; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry street; room number —, first floor; address, Macklin, Arthur G.; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-one years; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry street; room number —, first floor; address, Macklin, Francis H.; nativity, New York; color, white; term of residence, election district, fifty years; assembly district, fifty years; county, fifty years; State, fifty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 279 Mulberry street; room number —, second floor; address, Macklin, Peter C.; sworn, yes; nativity, New York;
912 color, white; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23rd; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry street; room number —, second floor; address, Moran, Thomas; sworn, yes; nativity, New York; color, white; term of residence, election district, forty-one years; assembly district, forty-one years; county, forty-one years; State, forty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application Oct. 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, ...; remarks, —.

Residence, 281 Mulberry street; room number —, second floor, rear; address, McGinnis, Hugh; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 24, 1854; court, common pleas; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, ...; remarks, ...

Residence, 281 Mulberry street; room number —, second floor, rear; address, McGinnis, Thomas; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty-two years; assembly district, thirty-two years; county, thirty-two years; State, thirty-two years; naturalized, native; date of papers, ...; court, —; qualified voter, yes; date of application, October 6th; why dis-

qualified, —; date of erasing name, —; voted November,
913 yes; challenged, —; remarks, —.

Residence, 281 Mulberry street; room number —, second floor; address, McGinnis, Hugh Jr.; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry street, room number —, third floor, rear; address, Brennan, William; sworn, yes; nativity, New York; color, white; term of residence, election district, eight months; assembly district, six years; county, six years, State, six years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry street, room number —, third floor; address, Banker, John D.; sworn, yes; nativity, New York, color, white; term of residence, election district, four months; assembly district, four months; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry street, room number —, top, rear; address, Foley, Peter; sworn, yes; nativity, New York; color, white; term of residence, election district, eleven months; assembly district, eleven months; county, ten years; State, ten years; naturalized, native; date of papers, ...; court, ...; qualified voter
914 yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry street, room number —, top rear; address Blake, John; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 281 Mulberry street, room number —, second floor; address, Boyle, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, sixteen years; assembly district, sixteen years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers, October 24th, 1879; court, superior; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 42 Crosby street, room number —, second floor; address, Brutsche, Fred; sworn, yes; nativity, Germany; color, white; term

of residence, election district, five weeks; assembly district, five weeks; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, October 17, 1879; court, superior; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby street, room number —, top floor; address, Colbert, Michael; sworn, yes; nativity, New York; color, white; term of residence, election district, two months; assembly district, thirty years; county, thirty years; State, thirty years; naturalized,
915 native; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby street, room number —, second floor; address, Smart, Daniel; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby street, room number —, second floor; address, Walsh, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers, October 24, 1886; court, superior; qualified voter, yes; date of application October 14th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 72 Crosby street, room number ..., second —; address, Welsh, James; sworn, yes; nativity, New York; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 113 Crosby street, room number —, house; address, Hall, Woodruff, Jr.; sworn, yes; nativity, Md.; color, white; term of residence, election district, twenty-eight years; assembly
916 district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, native; date of papers, ...; court, ...; qualified voter, yes; date of application October 14th; why disqualified, ...; date of erasing name, ...; voted November, yes; challenged, ...; remarks, —.

Residence, 113 Crosby street, room number —, house; address, Gramby, James M.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, native;

date of papers, —; court, —; qualified voter, yes; date of application, October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby street, room number —, house; address, Schultz, Henry; sworn, yes; nativity, Germany; color, white; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, yes; date of papers, October 12th, 1865; court, com. pleas; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby street, room number —, top, address, Welsh, William; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby St., room number — first floor; address, Myer, Lewis F. W.; sworn, yes; nativity, Germany; color, 917 white; term of residence, election district, one year; assembly district, one year; county, eight years; State, eight years; naturalized, yes; date of papers, October 2, 1876; court, common pleas; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 115 Crosby street, room number — third floor; address, O'Keefe, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, yes; date of papers, October 23rd, 1885; court, common pleas; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby street, room number — second floor; address, McKenna, James; sworn, yes; nativity, New York; color, white; term of residence, election district, four months; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby street, room number — second floor; address, Gamble, William; sworn, yes; nativity, New York; color, white; term of residence, election district, five months; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of

erasing name, —; voted November, yes; challenged, —; remarks,—

918 Residence, 117 Crosby street, room number —, second floor; address, O'Rourke, Henry; sworn, yes; nativity, Calif.; color, white; term of residence, election district, four months; assembly district, four years; county, four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby street, room number —, second floor; address, Mignault, Ensebe; sworn, yes; nativity, Vermont; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby street, room number —, third floor; address, Smith, Lawrey W.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, two years; assembly district, two years; county, ten years; State, ten years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby street, room number —, second floor; address, Devaney, John; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, six months; county, twenty-seven years; State, twenty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

919 Residence, 117 Crosby street, room number —, second floor; address, Green, John; sworn, yes; nativity, New York, color, white; term of residence, election district, four months; assembly district, four months; county, two years; State, two years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby; room number —, second floor; address, Boland, James J.; sworn, yes; nativity, New York; color, white; term of residence, election district, four months; assembly district, four months; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 117 Crosby street; room number —, house; address, Salisbury, Hiland; sworn, yes; nativity, New York; color, white;

term of residence, election district, ten months; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of erasing name —; voted November, yes; challenged —; remarks, —.

Residence, 117 Crosby street, room number —, top; address, McCaffery, Charles; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 26th 1883; court com. pleas.; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

920 Residence, 119 Crosby street, room number —, house; address, Flanagan, Edward; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 22, 1858; court, common pleas; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged*m* —; remarks, —.

Residence, 119 Crosby street; room number —, 2d floor; address, DeLury, Joseph F.; sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 119 Crosby street, room number —, third floor; address, Harley, John J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, September 22, 1868; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 121 Crosby street, room number —, top; address, Gordon, Peter; sworn, yes; nativity, Germany; color, white; term of residence, election district, thirteen years; assembly district, thirteen years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers, October 25, 1878; court, common pleas; qualified voter, yes; date of application October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

921

Residence, 121 Crosby street, room number —, second floor; address, Birmingham, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, seventeen years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, September, 1860; court, common pleas; qualified voter, yes; date of application, October 14th; why disquali-

fied, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 121 Crosby street, room number —, house; address, Casey, William; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, yes; date of papers, April 18, 1855; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, ...; date of erasing name, ...; voted November, yes; challenged, ...; remarks, —.

Residence, 123 Crosby street, room number —, house; address, Cardano, Antonio; sworn, yes; nativity, Italy; color, white; term of residence, election district, one year; assembly district, one year; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, October 22, 1878; court, U. S. district; qualified voter, yes; date of application, October 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 126 Crosby street, room number —, house; address, Lischer, Jacob; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, thirty years; State, thirty years; naturalized, yes; date of papers, October 13, 1866; court, common pleas; qualified voter, yes; date of application, October 23; why disqualified, —; date of rasing name, —; voted November, yes; challenged, —; remarks, —.

922

Residence, 1139 Crosby street, room number —, third floor; rear; address, Marshall, Augustus; sworn, yes; nativity, New York; color, white; term of residence, election district, two months; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 135 Crosby street, room number, *room* 6, rear; address, Love, Thomas R.; sworn, yes; nativity, New York; color, white; term of residence, election district, six weeks; assembly district, six weeks; county, twelve years; State, twelve years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby street, room number —, second floor; address, McDonald, John; sworn, yes; nativity, Mass.; color, white; term of residence, election district, four months; assembly district, four months; county, thirteen months; State, thirteen months; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 135 Crosby street; room number —, top — rear; address, McDonald, Francis; sworn, yes; nativity, New York; color,

white; term of residence, election district, three years; assem-
923 bly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 135 Crosby street; room number —, second floor; address, Keenan, John J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six months; assembly district, six months; county, nineteen years; State, nineteen years; naturalized, yes; date of papers, October 18, 1884; court, U. S. district; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 138 Crosby street, room number —, second floor; address, Hayes, John; sworn, yes; nativity, New York; color, white; term of residence, election district, eight years; assembly district, twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room number —, fourth floor; address, Tanset, Joseph A.; sworn, yes; nativity, New York; color, white; term of residence, election district, nine years; assembly district, twenty-four years; county, twenty-four years; State, twenty-four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

924 Residence, 138 Crosby street, room number —, fourth floor; address, O'Reilly, Michael, Jr.; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-three years; assembly district, twenty-three years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room number —, fourth floor; address, O'Reilly, Michael, Sr.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty-six years; assembly district, thirty-six years; county, thirty-six years; State, thirty-six years; naturalized, yes; date of papers, October 25th, 1860; court, common pleas; qualified voter, yes; date of application October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room number —, fifth floor; address, Davison, Emmott; sworn, yes; nativity, Penn.; color, white; term of residence, election district, fifteen months; assembly district, fifteen

months; county, fifteen years; State, fifteen years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 138 Crosby street, room number —, second floor; address, Powers, William; sworn, yes; nativity, England; color, white; term of residence, election district, two months; assembly district, eight years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, October 2, 1883; court, superior; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

925

Residence, 140 Crosby street, room number —, 3rd floor; address, Bennett, William; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby street, room number —, second floor; address, Lynch, Lawrence B.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, October 24th, 1856; court, common pleas; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby street, room number —, third floor; address, Bennett, Thomas; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-three years; assembly district, twenty-three years; county, twenty-three years; State, twenty-three years; naturalized, native; date of papers —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 140 Crosby street, room number —, second floor; address, Daley, Michael L.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one month; assembly district, one month; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers, October 18, 1867; court, common pleas; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

926

Residence, 140 Crosby street, room number —, fifth floor; address, Reilly, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 22, 1880; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 140 Crosby street, room number —, third floor; address, Bennett, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty-three years; assembly district, thirty-three years; county, thirty-three years; State, thirty-three years; naturalized, yes; date of papers, July 26th, 1864; court, common pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 E. Houston street, room number —, third floor; address, Paine, John; sworn, yes; nativity, Spain; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, twenty years; naturalized, yes; date of papers, October 14th, 1868; court, Kings county court; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

927 Residence, 15 East Houston street, room number —, basement; address, Suppenfeldt, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, April 7th, 1866; court, superior; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 East Houston street, room number —, third floor; address, Bernard, George N.; sworn, yes; nativity, S. C.; color, white; term of residence, election district, four years, assembly district, four years; county, four years; State, four years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

Residence, 19 East Houston street; room number —, fourth floor; address, Williams, David; sworn, yes; nativity, Wales; color, white; term of residence, election district, six months; assembly district, six months; county, twenty-four years; State, twenty-four years; naturalized, yes; date of papers, *Cou*rober 8, 1872; court, city court, Kings county; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 East Houston street; room number —, second floor; address, Graves, Charles; sworn, yes; nativity, New Jersey; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, native; date of papers, —; court, —; qualified voter, yes;
928 date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 East Houston street, room number —, second floor; address, Randolph, Samuel E.; sworn, yes; nativity, New Jersey;

color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 27 East Houston street; room number —, third floor; address, Dwyer, John C.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty-two years; assembly district twenty-two years; county, twenty-two years; State, twenty-two years; naturalized, yes; date of papers, October 14, 1872; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 27 East Houston street, room number —, first floor; address, Dochtermann, Paul; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, October 23rd, 1876; court, superior; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 27 East Houston street; room number —, first floor; address, Hirneis, Anton; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, seven years; State, nine years; naturalized, yes; date of papers, October 22nd, 1884; court, superior; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged —; remarks, —.

929

Residence, 27 East Houston street; room number —, third floor; address, Dwyer, John Jr.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, sixteen years; assembly district, sixteen years; county, sixteen years; State, sixteen years; naturalized, yes; date of papers, October 14, 1872; court, common pleas; qualified voter, yes; date of application October 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, votes on father's papers.

Residence, 29 East Houston street, address, Nogle, Casperp sworn, yes; nativity, Germany; color, white; term of residence, election district, one year, ; assembly district, one year; county, thirty years; State, thirty years; naturalized, yes; date of papers, Septe-ber 17, 1868; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 29 East Houston street, room number —, 1st floor; address, Heinecke, Edward, W.; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, twenty-eight years; State, twenty-eight years; naturalized, yes; date of papers, October 20, 1866; court,

common pleas; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

930 Residence, 29 East Houston street; room number —, second floor; address, Carle, John F.; sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month; county, thirty-one years; State, thirty-one years; naturalized, yes; date of papers, October 2, 1860; court, superior; qualified, voter, yes; date of application Oct. 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 4 Jersey street; room number —, second floor; address, Keloher, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, yes; date of papers, October 15, 1880; court, superior; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 5 Jersey street, room number —, third floor; address, Myerhaffer, George; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, forty-one years; State, forty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 10 Jersey street; room number —, first floor; address, Ginrato, Michele; sworn, yes; nativity, Italy; color, white; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized,

931 yes; date of papers, July 11, 1879; court, common pleas; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring street; room number —, third floor; address, Badan, Alcide; sworn, yes; nativity, France; color, white; term of residence, election district, ten years; assembly district, ten years; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 18, 1883; court, common pleas; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring street; room number, —; address, Smith, John C.; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-one years; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application, October 6th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring street; room number —, second floor; address, Borel, Daniel; sworn, yes; nativity, Germany; color, white; term of residence, election district, three years; assembly district, three years; county, nineteen years; State, nineteen years; naturalized, yes; date of papers, October 14, 1879; court, common pleas; qualified voter, yes; date of application October 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring street, room number —, second floor;
932 address, Reith, John G.; sworn, yes; nativity, Germany; color, white; term of residence, election district, three months; assembly district, three months; county, four months; State, thirty-four years; naturalized, yes; date of papers, October 26th, 1860; court, supreme; qualified voter, yes; date of application, October 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring street, room number —, basement; address, Egloff, John H.; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, thirty years; State, thirty years; naturalized, yes; date of papers, October 14, 1867; court, common pleas; qualified voter, yes; date of application, October 24; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 83 Spring street, room number —, third floor; address, Lewis, Andrew; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, six months; county, fifty-seven years; State, fifty-seven years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 65 Prince street, room number —, second floor; address, Foersch, Alfred W.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, five months; assembly district, five months; county, forty years; State, forty years; naturalized, native; date of papers, —; court, —; qualified voter, yes;
933 date of application, October 14; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 65 Prince street, room number —, house; address, Clancy, Charles M.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, forty-four years; State, forty-four years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, votes on father's papers.

Residence, 65 Prince street, room number —, second floor; address,

Cooper, John; sworn, yes; nativity, New York; color, white; term of residence, election district, three months; assembly district, three months; county, thirty-six years; State, thirty-six years; naturalized, native; date of papers, —; court, —; qualified voter, yes; date of application October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 67 Prince street; room number —, first floor; address, Curran, Thomas J.; sworn, yes; nativity, England; color, white; term of residence, election district, two years; assembly district, two years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, July 1876; court, common pleas; qualified voter, yes; date of application, October 14th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; re-
rema*krs*, votes on father's papers.

Residence, 432 Broome street, room number —, top; address, Fuchs, George; sworn, —; nativity, Germany; color, white; term of residence, election district, five years; assembly district, 934 five years; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 18, 1876; court, common pleas; qualified voter, yes; date of application, October 24th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 269 Mulberry street; room number —, first floor; address, Comincio, Salvatore; sworn, yes; nativity, Italy; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, October 16, 1885; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 269 Mulberry street; room number ..., top; address, Magliano, Antonio; sworn, yes; nativity, Italy; color, white; term of residence, election district, seven months; assembly district, seven months; county, seven years; State, seven years; naturalized, yes; date of papers, October 9th, 1884; court, superior; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 8 Jersey street, room number ..., first floor; address, Fannella, Prospero; sworn, yes; nativity, Italy; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, September 26th, 1884; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; 935 remarks, —.

Residence, 8 Jersey street; room number — first floor; address, Pacco, Palmo; sworn, yes; nativity, Italy; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of

papers, October 17, 1885; court, common pleas; qualified voter, yes; date of application, October 23rd; why disqualified, ...; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 70 Crosby street, room number ... first floor; address, Rizzo, Angelo; sworn, yes; nativity, Italy; color, white; term of residence, election district, four years; assembly district, four years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, April 15, 1878; court, superior; qualified voter, yes; date of application October 23; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 68 Crosby street, room number — second floor; address, Bruno, Fancisco; sworn, yes; nativity, Italy; color, white; term of residence, election district, four years; assembly district, four years; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, July 10th, 1877; court, superior; qualified voter, yes; date of application October 23rd; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

936 We, the undersigned inspectors of election, in the sixteenth election district of the third assembly district, of the city and county of New York, do jointly and severally certify that at the general registration of voters, held in the said election district, on the sixth and fourteenth days of October and the twenty-third and twenty-fourth days of October, in the year 1885, there were registered by us as qualified voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is 150 one hundred and fifty.

Dated New York, October 24, 1885.

JOHN HAYES.
WALTER J. MACKLIN.
THOMAS H. MACKLIN.
WILLIAM H. MANGIN.

937 EXHIBIT J—JOSEPH KELLY.

I, Charles S. Whitman, notary public, in and for the county of New York, and State of New York, certify that the said Joseph Kelly, witness, wrote in my presence the said words "Exhibit J" and subscribes his name thereto and that this "Exhibit J" is the identical "Exhibit J" which said witness made part of his answer to question number 6 of this, his deposition and attaches to this, his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County, State of New York.

(U. S. revenue 10 cent stamp. Canceled Sep. 9, '98. C. S. W.)

938 Inspectors' Copy Register of Voters of the First (1st) Election District of the Seventh (7th) Assembly District of the City of New York, 1888.

This registry book must be filed in the office of the chief of the bureau of elections within twenty-four hours after the completion of the canvass of the votes in compliance with section 1866 of chapter 410 of the Laws of 1882, cited as the New York city consolidation act.

SEC. 1866. The inspectors of election in each election district of the city and county of New York shall, on the day of any election therein, have with them at the polling place in said district the registers provided for in this chapter. They shall each make use of one of said registers for guidance on said day, and no vote shall be received from any person whose name shall not be found by at least three of them to be upon at least three of the said registers as a qualified voter,—and it shall further be the duty of each of the inspectors immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing, that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they served, to leave said registers at the office of the chief of the bureau of elections, whose duty it shall be to file and preserve the same as provided in this chapter. And in no election district in the said city and county shall any inspector, who has custody or charge of either of the registers in this chapter provided for, ever permit said register to leave his possession from the time of receiving
939 custody of the same until he shall file the same as provided in this chapter save in the event of his resignation or removal, and the appointment as provided in this chapter of his successor when he shall promptly surrender and turn over the same to him.

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941 Register of Voters of the First (1st) Election District of the Seventh (7th) Assembly District of the City of New York, 1888.

Residence, 665 Broadway; room number twenty-six; address, McClarty, Crawford; sworn, yes; nativity, Kentucky; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 665 Broadway; room number ten; address, Seymour, Charles A.; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, six months; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 665 Broadway; room number nineteen; address, Reed, Isaac G.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted
942 November, yes; challenged, —; remarks, —.

Residence, 665 Broadway; room number seventeen; address, Whiting, Samuel M.; sworn, yes; nativity, New York; color, white; term of residence, election district, four months; assembly district, four months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 665 Broadway, room number fourteen; address, Powers, Louis; sworn, yes; nativity, England; color, white; term of residence, election district, six months; assembly district, six months; county, ten years; State, ten years; naturalized, yes; date of papers, papers mislaid; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, yes; remarks, —.

Residence, 665 —; room number twenty; address, Harker, Elbridge G.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, four months; assembly district, four months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 634; address, Andrew Swanzey; sworn, yes; nativity, Illinois; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes;
943 challenged, —; remarks, —.

Residence, 671 Broadway, room number 637; address, William M. Hoffer; nativity, Penn.; color, white; term of residence, election district, four years; assembly district, four years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court; ; qualified voter, yes; date of application October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 621; address, James R. Hidges; sworn, yes; nativity, Ohio; color, white; term of residence, election district, eight years; assembly district, eight years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 528; address, Martin, Benjamin F.; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 844; address, Summer, Ballard; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

944 Residence, 671 Broadway, room number, 518; address, Smooth, Samuel S.; sworn, yes; nativity, D. C.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence. 671 Broadway, room number 568; address, Sprague, Charles; sworn, yes; nativity, Ohio; color, white; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 619; address, Clair, Henry; sworn, yes; nativity, New York; color, white; term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October —th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 664; address, Barnett, Henry W.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

945 Residence, 671 Broadway, room number 428; address, Morgan, Bankson T.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, one month; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 805; address, Hamburger, Samuel B.; sworn, yes; nativity, United States; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 763; address, Lowrey, John G.; sworn, yes; nativity, Virginia; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers; —; court, —; qualified voter, yes; date *if* application October 9th; why disqualified, —; date of erasing name, —; voted November yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 409; address, McGowan, Michael; sworn, yes; nativity, Ireland.; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, October 26th, 1860; court, common pleas; qualified voter, yes; date of application October 9th; why disqualified, —;
946 date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 528; address, Weed, William A.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 421; address, George V. Jones; sworn, yes; nativity, Ohio; color, white; term of residence, election district, one year; assembly district, one year; county, forty years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 211; address, Fayman, William H.; sworn, yes; nativity, Virginia; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October, 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 631; address, Perkins, William M.; sworn, yes; nativity, Maine; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted No-
947 vember, yes; challenged, yes; remarks, —.

Residence, 671 Broadway; room number 643; address, Geisinger, James B.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number 746; address, Jones, William A.; sworn, yes; nativity, New York; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 8th;

why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 334: address,
948 Cummings, Albert B.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 574; address, Thompson Ethan, Jr.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 545; address Wetzel, Charles H.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; why disqualified, —; remarks, —.

Residence, 671 Broadway; room number 880; address, Wilson, John C., sworn, yes; nativity, Indiana; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

949 Residence, 671 Broadway; room number 532; address, Danzuingar, Edward; sworn, yes; nativity, La.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers ...; court, ...; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarkes, —.

Residence, 671 Broadway; room number 767; address, Davis, Elihu T.; sworn, yes; nativity, Indiana; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 671 Broadway; room number 802; address, Francis, Joseph H.; sworn, yes; nativity, Alabama; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th;

why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 346; address, Martinze, Emanuel A.; sworn, yes; nativity, France; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; 950 date of papers March 23rd, 1878; court, superior; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 848; address, Cahn, David; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, father's papers; court, ...; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, claims citizen on father's papers.

Residence, 671 Broadway; room number 518; address, Smoot, Albert B.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 755; address, Adams, Charles E.; sworn, yes; nativity, Maine; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, October, 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 722; address, Robbins, Edwin N.; sworn, yes; nativity, Conn.; color, white; term 951 of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number —, basement; address, Mortimer, James; sworn, yes; nativity, Penn.; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number, 727; address, Curtis, Frank D.; sworn, yes; nativity, Ohio; color, white; term of residence, election district, one month; assembly district, one month;

county, one year; State, one year; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number, 509; address, Tapperwein, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, October 24th, 1879; court, common pleas, qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number, 717; address, Nesbit, William H.; sworn, yes; nativity, New York; color, white;
952 term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number, 632; address, Stebbens, Sam-el; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number, 886; address, Kennedy, Mathews; sworn, yes; nativity, New York; color, white; term of residence, election district, three months; assembly district, three months; county, six months; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 26th; why disqualified, —; date of erasing name, —; voted November, no; challenged —; remarks, —.

Residence, 671 Broadway; room number, 542; address, Nash, Job M.; sworn, yes; nativity, Ohio; color, white; term of residence, election district, two years; assembly district, two years; State, two years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number, 640; address,
953 Kinsley, William; sworn, yes; nativity, United States; color, white; term of residence, election district, forty years; assembly district, forty years; county, forty years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number 654; address, Healey, John W.; sworn, yes; nativity, Ireland; color, white; term of resi-

dence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, October 13th, 1884; court, U. S. district; qualified voter, yes; date of application October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway, room number, 800; address, Thornton, Henry W.; sworn, yes; nativity, Alabama; color, white; term of residence, election district, three months; assembly district, three months; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number, 830; address, Oppenheimer, Ernest T.; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, October 7th, 1886; court, common pleas; qualified voter, yes; date of application October 26th, 1888; why disqualified, —; 954 date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number, 747; address, Wells, Sidney J.; sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 671 Broadway; room number, 713; address, Baetzer, Hermann; sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, yes; date of papers, March 19th, 1866; court, common pleas; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challanged, —; remarks, —.

Residence, 681 Broadway; room number —, second floor; address, Coe, Norman L.; sworn, yes; nativity, New York; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 685 Broadway; room number —, house; address, Merriss, Charles F.; sworn, yes; nativity, Rhode Island; color, white; term of residence, election district, twenty years; assembly 955 district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17th; why disqualified, —;

date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 685 Broadway; room number —, store; address, Spaulding, Merrillo P.; sworn, yes; nativity, Vermont; color, white; term of residence, election district, six months; assembly district, six months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 697 Broadway; room number —, 2nd., floor; address, McGovern, Bernard; sworn, yes; nativity, Ireland; color, white; term of residence, election district, nine years; assembly district, nine years; county, nine years; State, nine years; naturalized, yes; date of papers, October 22nd., 1868; court, Ulster county court house; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 214 Mercer street; room number —, house; address, Billington, Elisha M.; sworn, yes; nativity, Rhode Island; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing
956 name, —; voted November, yes; challenged, —; remarks, —.

Residence, 214 Mercer street; room number —, store; address, Melville, George W.; sworn, affirmed; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 225 Mercer street; room number —, 3rd., floor; address, Gerard, Martin; sworn, yes; nativity, New York; color, white, term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 225 Mercer street; room number —, 2nd., floor; address, Geary, John J.; sworn, yes; nativity, Mississippi; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 225 Mercer street; room number —, house address, Ringer, Claus; sworn, yes; nativity, Germany; color, white;
957 term of residence, election district, three years; assembly district, three years; county, three years; State, three years;

naturalized, yes; date of papers, October 19th, 1885; court, common pleas; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks —.

Residence, 225 Mercer street; room number —, top floor; address, Henry, Ernst; sworn, yes; nativity, New York; color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —, remarks, —.

Residence, 225 Mercer street; room number —, 2nd floor; address, Fajen, Henry; sworn, yes; nativity, Germany; color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, —; date of papers, October 26th, 1888; court, U. S. district; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 227 Mercer street; room number —, top floor; address, Carten, James; sworn, yes; nativity, Virginia; color, colored; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Octo-
958 ber 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer street; room number —, top floor; address, Raffo, Antonio; sworn, yes; nativity, Italy; color, white; term of residence, election district, ten months; assembly district, ten months; county, twenty years; State, twenty years; naturalized, yes; date of papers, January 14th, 1879; court, common pleas; qualified voter, yes; date of application October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer street; room number —, first floor; address, Leferrari, John; sworn, yes; nativity, Italy; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, September 22nd., 1884; court, common pleas; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer street; room number —, 2nd., floor; address, Jennings, Benj. B.; sworn, yes; nativity, Maryland, color, white; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 235 Mercer street; room number —, 3rd., floor; address, Scoundglia, Cristafro; sworn, yes: nativity, Italy; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, yes; date of papers, October 24th, 1888; court U. S. district; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 235 Mercer street, room number —, 2nd floor; address, Guglielino, Tomasulo; sworn, yes; nativity, Italy; color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, yes; date of papers, February 8th, 1887; court, common pleas; qualified voter, yes; date of application October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 241 Mercer street, room number —, house; address, Nicholas, Anthony; sworn, yes; nativity, New York; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 241 Mercer street, room number —, house; address, Miller, Gerry B.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 251 Mercer street, room number —, top floor; address, Clayburn, James T.; sworn, yes; nativity, South Carolina; color, white; term of residence, election district, one year; assembly district, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 251 Mercer street, room number —, house; address, Funai, Antonio, C.; sworn, yes; nativity, Italy; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, October 24th, 1873; court, common pleas; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 260½ Mercer street; room number —, store; address, Vogt, August; sworn, yes; nativity, Germany; color, white, term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers,

December 2nd, 1886; court, common pleas; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, — remarks, —.

Residence, 188 Green street; room number —, first floor; address, Koehl, John; sworn, yes; nativity, Switzerland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes;
961 date of papers, June 6th, 1876; court, common pleas; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 188 Green street; room number —, 2nd floor; address, Carter, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, May 4th, 1858; court common pleas; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194 Green street; room number, — store; address, Martin, Louis; sworn, yes; nativity, France; color white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, October 17th, 1882; court, superior; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194 Green street; room number —, 3rd floor, back; address, Titus, George; sworn, yes; nativity, Penn.; color, colored; term of residence, election district, two years; assembly district two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194½ Green street; room number —, 2nd, floor;
962 address, Stewart, William A.; sworn, yes; nativity, North Carolina; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194½ Green street, room number — top floor; address, Baumont, Louis; sworn, yes; nativity, Illinois; color, colored; term of residence, election district, four months; assembly district, four months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name,—; voted November, no; challenged, —; remarks, —.

Residence, 194½ Green street, room number — 1st floor; address,

Cooper, James; sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194½ Green street, room number —, top floor; address, White, Dennis; sworn, yes; nativity, Penn.; color, colored; term of residence, election district, two months; assembly district, two months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, 963 October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, yes; remarks, —.

Residence, 194½ Green street, room number —, 2nd floor; address, Miller, William; sworn, yes; nativity, Penn.; color, colored; term of residents, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 194½ Green street, room number —, top floor; address, Craney, James M.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 196 Green street; room number —, basement; address, Harding, James; sworn, yes; nativity, New York; color, colored; term of residence, election district, six months; assembly district, six months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 196 Green street; room number —, top floor; address, Francis, Louis; sworn, yes; nativity, N. C.; color, colored; 964 term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 196 Green street; room number —, top floor; address, Johnson, George W.; sworn, yes; nativity, Penn.; color, colored; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 196 Green street; room number —, first floor; address, Pender, William; sworn, —; nativity, Phila.; color, colored; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 196 Green street; room number —, top floor; address, Jones, Joseph; sworn, yes; nativity, N. J.; color, colored; term of residence, election district, five months; assembly district, five months; *assembly district, five months;* county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 198 Green street, room number —, basement; address, Modet, Puire; sworn, yes; nativity, France; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, October 13th, 1876; court, superior; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 198 Green street; room number —, 2nd floor, back; address, Holder, Edward; sworn, yes; nativity, New York; color, colored; term of residence, election district, three months; assembly district, three months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 198 Green street; room number —, first floor; address, Merrewether, Ruchen; sworn, yes; nativity, Virginia; color, colored; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 198 Green street; room number —, top floor; address, McHugh, John; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, October 16th, 1867; court, common pleas; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

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Residence, 200 Green street; room number —, top floor; address, Redding, James; sworn, yes; nativity, New York; color, colored; term of residence, election district, six months; assembly district, six months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of applica-

tion October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 200 Green street; room number —, 2nd floor; address, Snipe, Ancle; sworn, yes; nativity, S. C.; color, colored; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 200½ Green street; room number —, top floor; address, Jasper, Stephen F.; sworn, yes; nativity, Virginia; color, colored; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application Octobber 17th, 1888; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

967 Residence, 200½ Green street; room number —, first floor; address, Holcomb, Aaron R.; sworn, yes; nativity, Penn.; color, colored; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 200½ Green street; room number —, second floor; address, Salters, Benjamin; sworn, yes; nativity, New York; color, colored; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17th, 1888; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 208 Green street; room number —, first floor; address, Flick, William; sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month; county, eight years; State, eight years; naturalized, yes; date of papers, October 8, 1888; court, superior; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 208 Green street; room number —, first floor; address, Zuglar, Christian; sworn, yes; nativity, Germany; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes;

968 date of papers, October 7th, 1872; court, superior; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 208 Green street; room number, —; address, Foerester, Henry; sworn, yes; nativity, Germany; color, white; term of residence, election district, six years; assembly district, six years;

county, six years; State, six years; naturalized, yes; date of papers, October 18th, 1883; court, superior; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 200½ Green street; room number —, first floor; address, Holcomb, James A.; sworn, yes; nativity, New York; color, colored; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, no; challenged, —; remarks, —.

Residence, 200½ Green street; room number —, second floor; address, Palazzer, Francisco; sworn, yes; nativity, Italy; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, October 15th, 1885; court, superior; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

969 Residence, 81 Bleecker street, room number —, house; address, Fuy, Simon; sworn, yes; nativity, Austria; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, October 17th, 1882; court, common pleas; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 81 Bleecker street; room number —, house; address, Green, Morris; sworn, yes; nativity, Austria; color, white; term of residence, election district, two years; assembly district, two years; State, two years; naturalized, yes; date of papers, October 1st, 1886; court, common pleas; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 87 Bleecker street; room number —, house; address, Kallmann, Jacob; sworn, yes; nativity, Germany; color, white; term of residence, election district, eighteen years; assembly district, eighteen years; county, eighteen years; State, eighteen years; naturalized, yes; date of papers, September 23rd, 1856; court, United States district; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

970 Residence, 87 Bleecker street; room number —, house; address, Singleton, Patrick; sworn, yes; nativity, Ireland; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, October 23rd, 1866; court, United States circuit; qualified voter, yes; date of applicaion, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 208 Green street; room number —, second floor; address, Toliver, John; sworn —, nativity, Virginia; color, colored; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 93 Bleecker street; room number —, house; address, Barrey, George W.; sworn, yes; nativity, England; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, mislaid; court, common pleas; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 105 Bleecker street; room number —, house; address, Ryan, Thomas; sworn, yes; nativity, Ireland; color, white, term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 22nd, 1867; court, superior; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 4 West Third street; room number —, house; address, Sagur, Samuel; sworn, yes; nativity, England; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, July 8th, 1886; court, common pleas; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 6 West Third street; room number —, house; address, Cohen, Henry; sworn, affirmed; nativity, Russia; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, October 23rd, 1883; court, common pleas; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 6 West Third street, room number —, house; address, Wolf, Henry; sworn, yes; nativity, England; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, October 4th, 1880; court, superior; qualified voter, yes; date of application, October 8th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

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Residence, 6 West Third street; room number ..., house, address, Worden, John J.; sworn, yes; nativity, N. Y.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, ...;

date of papers, —; court, —; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 6 West Third street; room number ..., house; address, Villmuster, Henry; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one years; county, one year; State, one year; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 6 West Third street; room number ..., house; address, Lamert, Ernest A.; sworn, yes; nativity, Germany; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, October 22nd, 1884; court, common pleas; qualified voter, yes; date of application October 27th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 8 West Third street; room number ..., house; address, Petit, Ernest; sworn, yes; nativity, France; color, white; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, yes; date of papers, October 13th, 1887; court, common pleas;
973 qualified voter, yes; date of application October 17th, 1888; voted November, yes; challenged, —; remarks, —.

Residence, 10 West Third street; room number —, house; address, Bailly, Alphonse; sworn, yes; nativity, France; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, October 22nd, 1888; court, common pleas; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 West Third street; room number —, first floor; address, Rohl, Thomas; sworn, yes; nativity, Germany; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, yes; date of papers, October 14th, 1884; court, superior; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 11 West Third street; room number —, first floor; address, Gerdes, Hermann; sworn, yes; nativity, Germany; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, yes; date of papers, October 19th, 1879; court, superior; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number —, third
974 floor; address, Linston, Fred W.; sworn, yes; nativity, Georgia; color, colored; term of residence, election district, ten months; assembly district, ten months; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number —, third floor; address, Strange, David; sworn, yes; nativity, Virginia; color, colored; term of residence, election district, six months; assembly district, six months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number —, second floor; address, Gillence, Joseph; sworn, yes; nativity, S. C.; color, colored; term of residence, election district, six months; assembly district, six months; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number —, second floor; address, Peterson, Charles; sworn, yes; nativity, Virginia; color, colored; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of
975 erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number, — third floor; address, Smith, Andrew J.; sworn, yes; nativity, Virginia; color, colored; term of residence, election district, one month; assembly district, one month; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number, — third floor; address, Davis, George D.; sworn, yes; nativity, Virginia; color colored; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street, room number —, third floor; address, Smallwood, Marcellus; sworn, yes; nativity, D. C.; color, colored; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of appli-

cation, October 9th, 1888; why disqualified, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number, — second floor; address, Williams, John J.; sworn, yes; nativity, N. C.; color, colored; term of residence, election district, three months; 976 assembly district, three months; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number —, second floor; address, Green, Thaddius; sworn, yes; nativity, Virginia; color, colored; term of residence, election district, one year; assembly district, one year; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number —, second floor; address, Scruggs, George; sworn, yes; nativity, Virginia; color, colored; term of residence, elected district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number —, 2nd., floor; address, Epps, Henry; sworn, yes; nativity, Virginia; color, colored; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 12 West Third street; room number —; 2nd., 977 floor; address, Prince, George E.; sworn, yes; nativity, Georgia; color, colored; term of residence, election district, three months; assembly district, three months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West Third street; room number —, top floor; address, McGowan, John J.; sworn, yes; nativity, United States; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9, 1898; why disqualified, —; date of *application*, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West Third street; room number —, house; address, Oberender, John; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly

district, one year; county, one year; State, one year; naturalized, yes; date of papers, February 6th, 1860; court, common pleas; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Address, 14 West Third street; room number —, 2nd., floor; address, Aloncley, George A.; sworn, yes; nativity, France; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, October 6th, 1880; court, superior;
978 qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West Third street; room number —, 2nd. floor; address, Ludwig, Frederick S.; sworn, yes; nativity, Germany; color, white; term of residence, election district, one month; assembly district, one month; county, five years; naturalized, yes; date of papers, October 16th, 1868; court, superior; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West Third street; room number - -; top floor; address, Aloncle, Julian; sworn, affirmed; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West Third street; room number —, 2nd. floor; address, McGowan, Edward; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West Third street; room number —, top floor; address, Kelly, William; sworn, yes; nativity, New York; color,
979 white; term of residence, election district, one month; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 16 West Third street; room number —, basement; address, Kampa, Albert L.; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, October, 21, 1884; court, superior; qualified voter, yes; date of application October 9th, 1888; why disqualified,

—; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 16 West Third street; room number —, basement; address, Kampa, John; sworn, yes; nativity, Germany; color, white; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, yes; date of papers, October, 16th, 1870; court, common pleas; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name —; voted November, yes; challenged, —; remarks, —.

Residence, 16 West Third steeet; room number —, second floor; address, Henry, Siffert; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 16 West Third street; room number, third floor; address, Benant, Louis; sworn, yes; nativity, New York; color
980 white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 17 West Third street; room number —, third floor; address, Joiner, Leopold; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, October 24th, 1884; court, U. S. district; qualified voter, yes; date of application October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 17 West Third street; room number —, second floor; address, Redington, Jos. F.; sworn, yes; nativity, New York; color, white; term of *election*, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 17 W. Third street; room *b*umber —, store; address, Pellissiere, Antonie; sworn, yes; nativity, France; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, yes; date of papers, October 19th, 1885; court, superior; qualified voter, yes; date of application October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 West Third street; room number —, third
981 floor; address, Demesley, Domique; sworn, yes; nativity, France; color, white; term of residence, election district, one year; assembly district, one year; *court*, one year; State, one year; naturalized, yes; date of papers, May 26th, 1879; court, common pleas; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 18 West Third street; room number —, first floor; address, Philpot, Peter; sworn, yes; nativity, France; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers, April 27th, 1879; court, common pleas; qualified voter, yes; date of application, October 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 19 West Third street; room number —, house; address, German, Alvin A.; sworn, yes; nativity, Germany, color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, November 28th, 1887; court, common pleas; qualified voter, yes; date of application, October 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West Third street; room number —, top floor; address, Madden, Dennis; sworn, yes; nativity, New York; color, white; term of residence, election district, six months.; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 27, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

982 Residence, 20 West Third street; room number —, first floor, address, Gilbert, Louis, Jr.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, ...; remarks, ...

Residence, 20 West Third street; room number —, second floor; address, Francois, Phillipe J.; sworn, yes; nativity, France, color, white; term of residence, election district, two months; assembly district, two months; county, one year; State, one year; naturalized, yes; date of papers, March 21, 1882; court, common pleas; qualified voter, yes; date of application October 17th; why disqualified, —; date of erasing names, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West Third street; room number —, house; address, Le'Agre, Lewis, Jr.; sworn, yes; nativity, Belgium; color, white; term of residence, election district, two years; assembly dis-

trict, two years; county, two years; State, two years; naturalized, yes; date of papers, October 23rd, 1884 court, superior; qualified voter, yes; date of application October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West Third street; room number —, second floor; address, Purquet, Horace C.; sworn, yes; nativity, England; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, October 8, 1884; court, superior; qualified voter, yes; date of application October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

983 Residence, 20 West Third street; room number —, second floor; address, Mayer, Ernest; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, October 22, 1888; court, common pleas; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, yes; remarks, —.

Residence, 20 West Third street; room number —, first floor; address, Gilbert, Louis; sworn, yes; nativity, France; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, October 16th, 1883; court, common pleas; qualified voter, yes; date of application, October 26th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 West Third street; room number —, six —; address, Foley, Francis; sworn, yes; nativity, England; color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, five years; naturalized, yes; date of papers, April 12th, 1888; court, superior; qualified voter, yes; date of application, October 9th, 1888, why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 West Third street; room number —, top floor; address, Treanor, Jos. B.; sworn, yes; nativity, New York; color, white; term of residence, election district, one month; assembly district, one month; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

984 Residence, 21 West Third street; room number —, four; address, Reilly, John F.; sworn, yes; nativity, New York; color, white; term of residence, election district, three months; assembly district, three months; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes;

date of application, October 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 West Third street; room number —, one; address, Noyes, George W.; sworn, yes; nativity, Maine; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 West Third street; room number —, basement; address, Gehrung, Fred G.; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, October 26, 1871; court, superior; qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 21 West Third street; room number —, first floor; address, Heyder, Charles; sworn, yes; nativity, New Jersey; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, yes; date of papers, —; court, —; qualified voter, yes; date of application October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

985 Residence, 25 West Third street; room number —, first floor; address, Wagner, Edward; sworn, yes; nativity, New York; color, white; term of residence, election district, two months; assembly district, two months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 17, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 29 West Third street; room number —, house; address, Lynch, James; sworn, yes; nativity, Ireland; color white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, Sebtember 4th, 1875; court, common pleas; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 4½ West Fourth street; room number —, store; address, Manus, Phillip B.; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 8 West Fourth street; room number —, second floor; address, Eiseman, Leopold; sworn, yes; nativity, Germany; color,

white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, April 6th, 1874. court, common pleas; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

986 Residence, 12 West Fourth street; room number —, basement; address, Mansrapf, Carl; sworn, yes; nativity, Germany; color, white; term of residence, election district, three months; assembly district, three months; county, five years; State, five years; naturalized, yes; date of papers, April 20th, 1887; court, common pleas; qualified voter, yes; date of application, October 26th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West Fourth street; room number —, first floor; address, Holsh, John; sworn, yes; nativity, Germany; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, October 22, 1874; court, Brooklyn city court; qualified voter, yes; date of application October 9th; why disqulified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 14 West Fourth street; room number —, second floor; address, Diable, George W.; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, six months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, —; date off application, —; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; remarks, —.

Residence, 14 West Fourth street; room number —, third floor; address, Carroll, Michael; sworn, yes; nativity, New York; color, white; term of residence, election district, one month; assembly district, one month; county, five years; State, five years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application, October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; re-

987 marks, —

Residence, 18 West Fourth street; room number —, second floor; address, Barnes, Charles E.; sworn, yes; nativity, Wisconsin; color, white; term of residence, election district, one month; assembly district, one month; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 18 West Fourth street, room number —, basement; address, Lass, Charles; sworn, yes; nativity, Germany; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, yes;

date of papers, October 24th, 1867; court, common pleas; qualified voter, yes; date of application October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 20 West Fourth St.; room number —, third floor; address, Alfield, Frank; sworn, yes; nativity, Germany; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, October 21st, 1858; court, Monroe county court; qualified voter, yes; date of application, October 17th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 22 West Fourth street; room number —, upper floor; address, Johanson, Carl; sworn, yes; nativity, Sweden; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, yes; date of papers, September 27th, 1880; court, common pleas;
988 qualified voter, yes; date of application, October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 22 West Fourth street; room numbed —, third floor; address, Larson, John W.; sworn, yes; nativity, Sweden; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, yes; date of papers, September 19th, 1887; court, common pleas; qualified voter, yes; date of application October 17th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 22 West Fourth street, room number —, first floor; address, Erikson, Charles I.; sworn, yes; nativity, Sweden; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, yes; date of papers October 22nd, 1885; court, common pleas; qualified voter, yes; date of application October 27th, 1888; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West Fourth street; room number —; address, Horst, Valentine; sworn, yes; nativity, Germany; color, white; term of residence, election district, three years; assembly district, three years; county, thirty-five years; State, thirty-five tears; naturalized, yes; date of papers, October 19, 1865; court, superior; qualified voter, yes; date of application October 9; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West Fourth street; room number —, top floor, address, Dirk, Gustav; sworn, yes; nativity, Germany; color, white; term of residence, election district, six years; assembly district,
989 six years; county, six years; State, six years; naturalized, yes; date of papers, October 3rd, 1884; court, superior, quali-

fied voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West Fourth street; room number —, top floor; address, Hanselman, John L.; sworn, yes; nativity, Germany; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State two years; naturalized, yes; date of papers, October 21, 1887; court, common pleas; qualified voter, yes; date of application, October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West Fourth street; room number —, second floor; address, Schwertzer, Thomas G.; sworn, yes; nativity, New York; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 9th; why disqualified, —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

Residence, 28 West Fourth street; room number —, first floor; address, Burnesdorfer, Andrew; sworn, yes; nativity, Germany; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, yes; date of papers, — November 9th, 1857; court, common pleas; qualified voter, yes; date of application, October 17th; why disqualified —; date of erasing name, —; voted November, yes; challenged, —; remarks, —.

990 We, the undersigned, inspectors of election in the first (1) election district of the seventh (7) assembly district of the city and county of New York, do jointly and severally certify, that at the general registration of voters, held in the said election district, on the ninth and seventeenth days of October and the twenty-sixth and twenty-seventh days of October, in the year 1888 there were registered by us as qualified voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is, — total, 181.

Dated New York, October 27, 1888.

HUGH J. CAVANAUGH.
HENRY WOLF.
ELISHA M. BILLINGTON.
JOSEPH HALWICK.

991 "EXHIBIT K"—"JOSEPH KELLY."

I, Charles Whitman, notary public in and for the county of New York, State of New York, certify that the said Joseph Kelly, witness, wrote in my presence the said words "Exhibit K" and subscribed his name thereto and that this "Exhibit K" is the

identical "Exhibit K" which said witness made part of his answer to question number 6 of this his deposition and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County, State of New York.

(Internal revenue 10 ct. stamp. Canceled Sept. 9, '98. C. S. W.)

992 Inspectors' Copy.

Register of Voters of the 6th Election District of the 11th Assembly District of the City of New York, 1892.

This registry book must be filed in the office of the chief of the bureau of election within twenty-four hours after the completion of the canvass of the votes, in compliance with section 1866 of chapter 410 of the Laws of 1882, cited as the New York city consolidation act.

SEC. 1866. The inspectors of election in each election district of the city and county of New York shall, on the day of any election therein, have with them at the polling place in said district the registers provided for in this chapter. They shall each make use of one of said registers for guidance on said day, and no votes shall be received from any person whose name shall not be found by at least three of them to be upon at least three of said registers as a qualified voter * * * and it shall further be the duty of each of the inspectors immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing, that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in said election district in which they serve, to leave said registers at the office of the chief of the bureau of elections, whose duty it shall be to file and preserve
993 the same as provided in this chapter. And in no election district in said city and county shall any inspector, who has custody or charge of either of the registers in this chapter provided for, ever permit said register to leave his possession from the time of receiving custody of the same until he shall file the same as provided in this chapter, save in the event of his resignation or removal, and the appointment as provided in this chapter of his successor, when he shall promptly surrender and turn over the same to him.

See also sec. 112, chap. 680, Laws 1892, relative to minutes respecting challenges.

994 INDEX.

Sixth Election District.

33rd street.....Pages 1, 4, 6, 14.
33rd street.....Pages 15 & 23.
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" " ..... " 5, 10, 11 & 12.
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" " ..... " 12.
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" " " ..... " 19.
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Eleventh Assembly District.

995 Register of Voters of the 6th Election District of the 11th Assembly District of the City of New York, 1892.

Attention of inspectors of election is called to the note under the head of "Minutes" on the right hand pages of this register.

Residence, 24 West 33rd street; room number —; address, John E. O'Connor; sworn, yes; nativity, New York city; color, white; term of residence, election district, six years; assembly district, six years; county, life; State, life; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, Nov. 8; challenged, — see sec. 36 chap. 680, Laws '92; number on ballot, 648; minutes. Note, In case of challenge the minute prescribed in sec. 112, chap. 680, Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 38 East 33rd street; room number —; address, Pryor, Roger A.; sworn, yes; nativity, Virginia; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, Nov. 8th; challenged, ... see sec. 36, chap. 680 Laws '92; number on ballot, 204; minutes, — Note; In case of challenge the "minute" prescribed in sec. 112 chap. 680, Election Laws
996 1892 will be entered in this column opposite name of voter.

Residence, 13 East 33rd street; room number —; address, Briddon, Charles K.; sworn, yes; nativity, England; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, November 22, 1859; court, superior; qualified voter, yes;

date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see sec. 36, chap. 680 Laws '92; number on ballot 131; minutes, — Note: In case of challenge the minute prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter.

Residence, 55 East 33rd street; room number —; address, Winston, Charles W.; sworn, yes; nativity, New York; color, black; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —, date of papers, ...; court, ...; qualified voter, yes; date of application October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see sec. 36, chap. 680, Laws '92; number on ballot 66; minute, ... Note: In case of challenge the minute prescribed in sec. 112,chap. 680 Election Laws, 1892, will be entered in this column opposite name of voter.

Residence, 32 East 33rd street, room number, —; address, George T. Canfield; sworn, yes; nativity, New York, color, white; term of residence, election district, six years; assembly district, six years; county, life; State, life; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see sec. 36, chap. 680 Laws
997 '92; minutes, — Note: In case of challenge the minute prescribed in sec. 112, chap. 680 Election Laws, 1892 will be entered in this column opposite name of voter.

Residence, 165 Madison avenue; room number, —; address, Henry J. Anderson; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application, October 11, '92; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see sec. 36, chap. 680, Laws '92; number on ballot, 35; minutes, — Note: In case of challenge the minute prescribed in sec. 112, c-ap. 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 165 Madison avenue; room number, —; address, Ellery, Anderson; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see sec. 36, chap. 680, Laws '92; number on ballot 34; minutes — Note, In case of challenge the "minute" described in sec. 112, chap. 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 159 Madison Ave.; room number —; address, Charles A. Carlton; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years;

county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted No-
998 vember, November 8th; challenged, — see sec. 36, chap. 680 Laws '92; number on ballot, 82; minutes. Note: In case of challenged the "minute" prescribed in sec. 112, chap. 680, Election Law 1892, will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number, 674; address, William H. Perkins; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see sec. 36, chap. 680, Laws '92, number on ballot, 103; minutes. Note: In case of challenged the "minute" prescribed in sec. 112, chap. 680, Election Law 1892 will be entered in this column opposite name of voter.

Residence, 34 East 33rd street; room number —; address, Louis A. Stimson; sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, ...; challenged, — see sec. 36, chap. 680 Laws '92; number on ballot, ...; minutes. Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 34 East 33rd street; room number, —; address, Henry G. Stimson; sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, ...1; court, ...; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing
999 name, —; voted November, November 8th; challenged, — see sec. 36, chap. 680 Laws 1892; number on ballot, 64; minute. Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892 will be entered in this column opposite the name of voter.

Residence 68 East 34th street; room number —; address, Elijah P. Smith; sworn, yes; nativity, Maryland; color, white; term of residence, election district, sixteen years; assembly district, twenty-one years; county, N. Y.; State N. Y. C; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see sec. 36, c-ap. 680 Laws 1892; number on ballot, 16; minutes. Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite the name of coter.

Residence, 48 East 34th street; room number —; address, John G. Percy; sworn, yes; nativity, Mass; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see sec. 36, chap. 680, Laws 1892; number on ballot, 160; minutes. Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 66 East 34th street; room number —, address, Leavy, Methel A. C.; sworn, yes; nativity, District of Columbia; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; naturalized, —; 1000 date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged. See sec. 36, chap. 680 Laws '92; number on ballot, 198; minute. Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 44 East 34th street; room number, —; address, Brayton Ives; sworn, yes; nativity, Conn.; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see sec. 36, chap. 680 Laws '92; number on ballot, 190; minutes. Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number, —; address, Burro, William A.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted, November, November 8; challenged. See sec. 36, chap. 680 Laws 1892; number on ballot, 176; minutes. Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number, 217; address, Charel, Richard P.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, twenty years; assembly district, 1001 twenty years; county, twenty years; State, twenty years; naturalized, yes; date of papers, October 26th, 1860; court, common pleas; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see sec. 36, chap. 680 Laws

1892; number on ballot, 89; minutes. Note: In case of challenge the "minute" prescribed in sec 112, chap. 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 576; address, Bernard, McChan; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November; November 8th; challenged, see sec. 36, chap. 680 Laws 1892; number on ballot, 52; minutes; Note: In case of challenge the minute prescribed in sec. 112, chap. 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel room number 653; address, Oliver P. Buell sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see chapter 36, section 680 Laws 1892; number on ballot, 22; minutes. Note—In case of challenge the "minute" prescribed in section 112, chapter 680, Election Laws 1892 will be entered in this column opposite name of voter.

1002 Residence, Parke Avenue hotel room number 691-B; address, Walter H. Underwood; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 645; minutes: Note: In case of challenge the "minute" prescribed by chapter 112, section 680 Election Law 1892 will be entered in this coluumn opposite name of voter.

Residence, Park Avenue hotel; room number 765, address, Selover, Alia A.; sworn, yes; nativity, New York; color, white; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, see sec. 36, chap. 680, Laws '92; number on ballot, 158; minutes. Note: In case of challenge the "minute" prescribed in section 112 chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number, — night clerk; address, Moseley, William E.; sworn, yes; nativity, Maine; color, white; term of residence, election district, nine months; assembly district, one and a half years; county, one and a half years; State

one and a half years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged (see sec. 36, chap. 680 Laws 1892; number on ballot, 110; minutes. Note: In case of challenge the
1003 "minute" prescribed in section 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 763; address, Clarke, William M.; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty days; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, —; number on ballot, —; challenged, — (see sec. 36, chapter 680 Laws '92); minutes,—(Note—In case of challenge the "minute" prescribed in section 112, chapter 680, Election Laws 1892, will be entered in this column opposite name of voter.)

Residence, Park Avenue hotel, room number, 524; address, Corner, William H. Jr.; sworn, yes; nativity, Maryland; color, white; term of residence, election district, three months; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — (see sec. 36, chap. 680 Laws '92); number on ballot, 117: min-te,—(Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter.)

Residence, Parke Avenue hotel; room number —; address, Harris, Sidney S.; sworn, yes; nativity, New Hampshire; color, white; term of residence, election district, twenty-eight years; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why dis-
1004 qualified, —; date of erasing name, —; voted November, —; challenged,—(see sec. 36 chap. 680, Laws 1892); number on ballot, 196; minutes: "Note: In case of challenge the "minute" prescribed in sec. 112, chap. 680, Election Law 1892 will be entered in this column opposite name of voter.)

Residence, Park Avenue hotel; room number 139; address, Haslin, William; sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; (see sec. 36, chap. 680, Laws '92); number on ballot, 4; minutes: Note: In case of challenge

the "minute" prescribed in section 112, chap. 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 12 East 34th street; room number, —; address, Patrick H. Murphy; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirteen years; assembly district, thirteen years; county, thirteen years; State, thirteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified —; date of erasing name, —; voted November, November 8th; challenged, — see sec. 36, chap. 680 Laws 1892; number on ballot, 145; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chap. 680 Election Law 1892, will be entered in this column opposite name of voter.

Residence, 153 Madison; room number —; address, W. Dennison Morgan; sworn, yes; nativity, Conn.; color, white; term of residence, election district, fifteen years; assembly district, fifteen years; county, fifteen years; State, fifteen years; naturalized, —; date of
1005 papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, (see section 36, chapter 680 Laws 1892); number on ballot, 50; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892, will be entered in this column opposite name of voter.

Residence, 153 Madison, room number —; address, Robert W. Morgan; sworn, yes; nativity, New York; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see section 36, chapter 680 Laws 1892; number on ballot, 47; minutes. Note. In case of challenge the minute prescribed by section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 153 Madison, room number, —; address, Sawyer, Ly-P.; sworn, yes; nativity, New York; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged. See section 36, chapter 680 Laws 1892; number on ballot, 81; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 153 Madison; room number —; address, Hoaffman, George W.; sworn, yes; nativity, Ohio; color, black; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, —; date of
1006 papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing

name, —; voted November, November 8th; challenged. See sec. 36, chap. 680 Laws 1892; number on ballot, 212; minutes. Note: In case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 154 Madison; room number —; address, Davison William T.; sworn, yes; nativity, Georgia; color, white; term of residence, election district, two years; assembly district, two years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; voted November, November 8th; why disqualified, —; date of erasing name, —; challenged,—see section 36, chapter 680 Laws 1892; number on ballot, 152; minutes. Note: In case of challenge the 'minute' prescribed by section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 155 Madison; room number, —; address, Anderson, George; sworn, yes; nativity, New York; color, white; term of residence, election district, three months; assembly district, three months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see section 36 chapter 680 Laws 1892; number on ballot, 8; minutes, Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 10 East 34th street, room number —; address, 1007 John P. Burke; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized; yes; date of papers, October 12th, 187*p*; court, common pleas; qualified voter, yes; date of application, —; why disqualified, —, date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws of 1892; number on ballot, 115; minutes —. Note: In case of challenge the 'minute*9* prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 2 East 34th street; room number—; address, Johnathan De Wight; sworn, yes; nativity, Mass.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, ...; date of erasing name, ...; voted November, November 8th; challenged, ...; see section 36, chapter 680 Laws 1892; number on ballot, 25; minutes, —. Note: In case of challenge the minute*9* prescribed in section 112, *d*hapter 680 Election Law 1892, will be entered in this column opposite name of voter.

Residence, 19 East 32nd street; room number —; address, Edward M. Padelford; sworn, yes; nativity, Georgia; color, white; term of

residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 136; minutes. Note: In case
1008 of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 50 East 34th street, room number, —; address, Henry P. Loomis: sworn, yes; nativity, New York; color, white; term of residence, election district, ten years; assembly district, two years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, ...; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 37 E. 33rd street; room number, —; address, William H. Flint; sworn, yes; nativity, Maine; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1692; number on ballot, 175; minutes, Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 50 East 34th street, room number, —; address, Collagte, Abner W; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-two years; assembly district, twenty-two years; county, twenty-two years; State, twenty-twoyears; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of
1009 erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 94; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 177 Madison avenue; room number, —; address, Valentine, Hubert; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-five years; assembly district, twenty-five years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 62; minutes. Note: In case of challenge the 'minute' prescribed

in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 155 Madison avenue; room number, —; address, Deraismes, John A.; sworn, yes; nativity, New York; color, white; term of residence, election district, four years; assembly district, four years; county, *N. Y.*; State, *N. Y.*; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 74; minute-. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892, will be entered in this column opposite name of voter.

Residence, 155 Madison avenue; room number —; address, Dargan, Alonzo T.; sworn, yes; nativity, South Carolina; color, white; term of residence, election district, two years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680, Laws 1892; number on ballot, 102; minutes. Note: In case of challenge the minute prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

1010

Residence, 159 Madison avenue, room number, —; address, Hunt, Dwight B.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 36; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this coolumn opposite name of voter.

Residence, 160 Madison avenue; room number, —; address, Olyphant, Robert M.; sworn, yes; nativity, New York; color, white; term of residence, election district, eleven years; assembly district, eleven years; county, eleven years; State, eleven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, '92; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 157; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

1011

Residence, 163 Madison avenue; room number —; address, Pearson, Charles J.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, three years; assembly district, three years; county, seven years; State, seven years; natural-

ized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 91 minutes. Note—In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 62 East 34th street; room number —, address, Trowbridge, Samuel B. P.; sworn, yes; nativity, New York; color, white; term of residence, election district, five months; assembly district, five months; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 156; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 52 East 34th street; room number —; address, Dyer, Edward T.; sworn, yes; nativity, Boston; color, white; term of residence, election district, fifteen months; assembly district, fifteen months; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, 1012 — see section 36, chapter 680 Laws 1892; number on ballot, 59; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 353 Fifth avenue; room number —; address, Husted, Peter V.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, *twn* years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 71; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 57 East 33rd street; room number —; address, McIlwaine, Walter W.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, —; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Elec-

tion Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 534; address, Hart, Albert; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two months; assembly district, two months; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date erasing name, —;
1013 voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot 2; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 427; address, Brundage, Mindon T.; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, six months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 178; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 623; address, Roe, Thomas J.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, three months; assembly district, three months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 112; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 517; address, Earle, Arthur G.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —;
1014 date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, —: see section 36, chapter 680 Laws 1892; number on ballot, 140; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in column opposite name of voter.

Residence, Park Avenue hotel room number 615; address, Harthorn, Edwin A.; sworn, yes; nativity, New York; color, white; term of residence, election district, six months; assembly district, six

months; county, six months; State, twenty years; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November November 8th; challenged, —. See section 26, chapter 680 Laws 1892; number on ballot, 33; minute. Note: In case of challenge the 'min-te' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel room number, 221; address, Stoers, Richard A.; sworn, yes; nativity, New York, color, white; term of residence, election district, one year, assembly district, one years; county, twenty years; State, twenty years; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, shapter 680 Laws 1892; number on ballot, 9; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 667, address
1015 Munis, Coler; sworn, yes; nativity, New York; color, white; term of residence, election district, fourteen years, assembly district, fourteen years; county, fourteen years; State, fourteen years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36; chapter 680, Laws 1892; number on ballot, 96; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680, Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hote-; room number 555; address Wevster, Josiah L. Jr.; sworn, yes; nativity, R. I.; color, white; term of residence, election district, four years; assembly district, four years; county, ten years; State, ten years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 52; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892, will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 625; address, Woodward, Rignold D.; sworn, yes; nativity, New York; color, white; term of residence, election district, one years; assembly district, one year; county, twenty-one years; State, twenty-one years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, ...; See section 36, chapter 680 Laws 1892; number on ballot, 169;

minutes. Note: In case of challenge the 'minute' prescribed
1016 in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 627; address, Kellog, Daniel T.; sworn, yes; nativity, New York; color, white; term of residence, election district, three months; assembly district, three months; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 70; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680, Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel room number 482; address, Woods, William; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note: In case of challenge the minute prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 680; address, Hawkins, John M.; sworn, yes; nativity, Maine; color, white; term of residence, election district, one years, assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted
1017 November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 174; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 207; address, Dick, William D.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 72; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws, 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 681; address, Nelson, William; sworn, yes; nativity, New York; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of applica-

tion, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 165; minute. Note: In case of challenge the 'minute' prescribed in section 112 chapter 680, Election Laws 1892, will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number —, cashier, address, Hopkins, George C.; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; 1018 date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 11; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892, will be entered in this column opposite name of voter.

Residence, Park avenue hotel; room number 131; address, Risley, Benjamin W.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, three years; assembly district, three years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 79; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number, 367; address, Wright, Stephen M.; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 153; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number, 618; address Thomas, Frank B; sworn, yes; nativity, New York; term of 1019 residence, election district, two years; assembly district, two years; county, two years; State twenty years; naturalized, —; date of papers, —; court,; qualified voter, yes, date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 12; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in column opposite name of voter.

Residence, Park Avenue hotel; room number 666; address, Watson, William P; sworn, yes; nativity, New York; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 118; minute: Note: In case of challenge 'minute' prescribed in section 112 chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 11 East 32d street; room number —; address, Grant, Henry M.; sworn, yes; nativity, Delaware; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 107; minutes. Note: In case of *the* challenge the 'minute' prescribed in section 112, chapter
1020 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 13 East 32d street; room number —; address, Scoot, George E.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, twenty years; naturalized, —; date of of papers, —; court, —; qualified voter, —; date of application,— October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36 chapter 680 Laws 1892; number on ballot, 54; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence 9 East 32d street; room number —; address, Storer, Albert; sworn, yes; nativity, Maine; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged — see section 36, chapter 680 Laws 1892; number on ballot, 88; minute. Note: In case of challenge the 'minute' prescribed in section 112 chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 9 East 32d street; room number —; address, Storer, Frederick; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-one years; assembly district, twenty-one years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified
1021 voter, yes; date of application October 11th, 1892; why

disqualified, —; date of erasing name, —; voted Novem-
1022 ber, November 8th; challenged, —. See section 36; chapter
680 Laws 1892; number on ballot, 97; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 3 East 32nd street; room number, —; address, Calligher, John; sworn, yes; nativity, England; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, yes; date of papers, June 22, 1888; court, superior; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 80; minutes. Note: The 'minute' prescribed in section 112, chapter 680 Laws 1892 will be entered in this column opposite the name of voter.

Residence, 13 East 32nd street; room number, —; address, Pease, Charles S.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, eleven months; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 45; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 13 E. 32nd street; room number, —; address, Lamson, Edwin; sworn, yes; nativity, Mass.; color, white; term of residence,
election district, four years; assembly district, four years;
1023 county, thirty years; State, thirty years; naturalized, —; date
of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 56; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 11 East 32nd street; room number,—; address, Avery, John W.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —, see section 36, chapter 680 Laws 1892; number on ballot, 209; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 19 East 32nd street; room number —; address, Berger, Carl; sworn, yes; nativity, Austria; color, white; term of residence,

election district, four years; assembly district, four years; county, four years; State, four years; naturalized, yes; date of papers, October 19th, 1888; court, common pleas; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged — See sec-36, chapter 680 Laws 1892; number on ballot, 99; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

1024 Residence, 7 East 32nd street, room number, —; address, Sterling, George L.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 132; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 7 East 32nd street, room number, —; address, O'Neill, George; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, twelve years; State, twelve years; naturalized, yes; date of papers, October 22nd, 1888; court, common pleas; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 208; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 7 East 32nd street; room number, —; address, Bronson, Thomas A.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, three years; assembly district, three years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680

1025 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 161 Madison avenue; room number —; address, McGrath, Howard, W.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name —; voted November, November 8th; challenged, — see section 36, chap-

ter 680 Laws 1892; number on ballot, 647; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 163 Madison avenue; room number —; address, Anderson, Charles J.; sworn, yes; nativity, New York; color, white, term of residence, election district, two years; assembly district, two years; county, two years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see section 36, chapter 680 Laws 1892; number on ballot, 31; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 166 Madison avenue; room number, —; address, Blodgett, Daniel; sworn, yes; nativity, Vermont; color, white; term of residence, election district, three years; assembly district, three years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see section 36 chapter 680 Laws 1892; number on ballot, 168; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

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Residence, 153 Madison avenue; room number —; address, Ricketts, William H.; sworn, yes; nativity, Washington, D. C.; color, white; term of residence, election district, two years; assembly district, two years; county, twenty-one years; *assembly district, two years; county, twenty-one years;* State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 1; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 163 Madison avenue; room number —; address, Pearson, James B.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 90; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 163 Madison avenue; room number —; address,
1027 Nevin, Edward H; sworn, yes; nativity, Ohio; color, white;
term of residence, election district, three years; assembly district, three years; county, three years; State, three years naturalized, —; date of papers, —; court, —; qualified voter yes; date of application October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged. See section 36, chapter 680 Laws 1892; number on ballot, 61; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 167 Madison avenue; room number ...; address, Jackson, Andrew; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly —, three years; county, ten years; State, ten years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th, challenged, — See section 36, chapter 680 Laws 1892; number on ballot, 69; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892, will be entered in this column opposite name of voter.

Residence, 153 Madison avenue; room number —; address, Van Vanken, Josiah; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disquailified, —; date of erasing name, —; voted November, November 8th; challenged. See section 36, chapter 680 Laws 1892; number on ballot, 51; minutes. Note; In -ase of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name
1028 of voter.

Residence, 178 Madison avenue; room number, —; address, Darnell, Henry; sworn, yes; nativity, Virginia; color, black; term of residence, election district, six years; assembly district, six years; county, fifteen years; State, fifteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, Oct. 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 123; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 153 Madison avenue; room number, —; address, Franks, John E; sworn, yes; nativity, Virginia; color, white; term of residence, election district, two years; assembly district, two years; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th,

1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 10; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 159 Madison avenue; room number, —; address, Daggett, John M.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court,—; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 20; minutes. Note: In case of
1029 challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 163 Madison avenue; room number, —; address, Day, John J.; sworn, yes; nativity, Tenn.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see section 36, chapter 680 Laws 1892; number on ballot, 49; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 154 Madison avenue, room number, —; address, Springer, Richard H.; sworn, yes; nativity, S. C.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1893; number on ballot, 171; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 163 Madison avenue; room number, —; address, Passout, Marcus J.; sworn, yes; nativity, Tenn.; color, white; term of residence, election district, two years; assembly district, thirteen years; county, thirteen years; State, nineteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see sec-
1030 tion 36, chapter 680 Laws 1892; number on ballot, 44; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 167 Madison avenue; room number, —; address, Reid,

Harry B.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, four years; assembly district, four years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 75; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680, Election Laws 1892 will be entered in this column opposite name of voter.

Residence. 167 Madison avenue; room number, —; address, Gerscher, John; sworn, yes; nativity, New York; color, white; term of residence, election district, sixty days; assembly district, sixty days; county twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 134; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680, Election Laws, 1892 will be entered in this column opposite name of voter.

Residence, 155 Madison avenue; room number, —; address, Miller, John M.; sworn, yes; nativity, Maryland; color, white; term of residence, election district, three years; assembly district, 1031 three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 45; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680, Election Law, 1892, will be entered in this column opposite name of voter.

Residence, 154 Madison avenue; room number —; address, Allen, William E.; sworn, —; nativity, Conn.; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 151; minutes. Note: In case of challenge the 'minute' precribed in section 112, chapter 680, Election Laws 1892 will be entered in his column opposite name of voter.

Residence, 159 Madison avenue; room number —; address, Clark, Burnett L.; sworn, yes; nativity, Alabama; color, white; term of residence, election district, forty days; assembly district, two years; county, fifteen years; State, fifteen years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36,

chapter 680 Laws 1892; number on ballot, 136; minutes. Note: In case of challenge the 'minute' prescribed in section 112, Election Laws 1892 will be entered in this column opposite name of
1032 voter.

Residence, 163 Madison avenue; room number —; address, Darling, Fred H.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, four months; assembly district, four years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — See section 36, chapter 680 Laws 1892; number on ballot, 166; minutes. Note—In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 166 Madison avenue; room number —; address, Gilet, Allison; sworn, yes; nativity, Maryland; color, white; term of residence, election district, three years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — See section 36, chapter 680 Laws 1892; number on ballot, 197; minutes. Note: In case of challenged the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 157 Madison avenue; room number —; address, Kipp, William W.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, ten years; State, ten *yeras*; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application ,October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — See section 36, chapter 680 Laws
1033 1892; number on ballot, 193; minutes, Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 160 Madison avenue; room number —; address, Olyphant, Fernon M.; sworn, yes; nativity, China; color, white; term of residence, election district, ten years; assembly district, ten years; county, twenty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged,— see section 36, chapter 680 Laws 1892; number on ballot, 159; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 155 Madison avenue; room number —; address, Miller, Jacob P.; sworn, yes; nativity, Maryland; color, white; term of

residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October, 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged,— see section 36, chapter 680 Laws 1892; number on ballot, 46; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 173 Madison avenue; room number —; address, Evans, Abram L.; sworn, yes; nativity, New York; color, black; term of residence, election district, two years; assembly district, 1034 two years; county, twenty-nine years; State, twenty nine years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged,— see section 36; chapter 680 Laws 1892; number on ballot, 201; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 152 Madison avenue; room number —; address, Knight, George M.; sworn, yes; nativity, Maine; color, white; term of residence, election district, three months; assembly district, four months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see section 36, chapter 680 Laws 1892; number on ballot 164; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite the name of voter.

Residence, 152 Madison avenue; room number —; address, Clark, John D.; sworn, yes; nativity, Canada; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers,—; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name —; voted November, November 8th; challenged,—; see section 36, chapter 680 Laws 1892; number on ballot, 163; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 183 Madison avenue; room number —; address, 1035 Callahan, John J.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, four years; assembly district, four years; county, four years; State, four years; naturalized, yes; date of papers, October 8th, 1888; court, superior; qualified voter, yes; date of application, October 28th; 1892; why disqualified, —; date of erasing name, —; voted November, November 8th;

challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 143; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892, will be entered in this section opposite name of voter.

Residence, 157 Madison avenue; room number —; address, Stafford, James; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 180; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 152 Madison avenue; room number, —; address, Freund, Ernest; sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 16; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter
1036 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 178 Madison avenue; room number —; address Oakman, Walter G.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, three years; assembly district, three years; county, five years; State, five years, naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 116; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 159 Madison avenue; room number —; address, Bayer, Andrew J.; sworn, yes; nativity, New York; color, white; term of residence, election district, eighteen months; assembly district, eighteen months; county, ten years; State, ten years; naturalized, —; date of papers ...; court, ...; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot 124; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 166 Madison avenue; room number —; address, Gilesman, Peter; sworn, yes; nativity, Ireland, color, white; term of resi-

dence, election district, four years; assembly district, four years; county, ten years; State, ten years; naturalized, yes; date of papers, October 28th, 1887: court, common pleas; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name —; voted November. November 8th; challenged,
1037 — see section 36, chapter 680 Laws 1892; number on ballot, 106; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 155 Madison avenue; room number, ...; address, Fisher, William H.; sworn, yes; nativity, Virginia, color, black; term of residence, election district, four years; assembly district, four years; county, six years; State, six years; naturalized, —; date of papers, ...; court, ...; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, ...; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 6; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 156 Madison avenue; room number, ...; address, Ranney, Ambros L.; sworn, yes; nativity, Mass.; color, white; term of residence, election district. sixteen years; assembly district, sixteen years; county, sixteen years; State, sixteen years; naturalized, ...; date of papers ...; court, ...; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 122; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered it this column opposite name of voter.

Residence, 164 Madison avenue; room number, ...; address, Terry, Roderick; sworn, yes; nativity, New York; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application,
1038 October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; number on ballot, 84; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 152 Madison avenue; room number —; address, Fainham, Elgot; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, eighteen months; State, eighteen months; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see section 36, chapter 680 Laws 1892; number on ballot, 135; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter

680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 2 East 34th street; room number —; address, Dwight, Jonathan, Jr.; sworn, yes; nativity, New York; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, ...; date of papers, —; court, —; qualified voter, yes; date of application, October, 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged — see section 36, chapter 680 Laws 1892; number on ballot, 67; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 14 East 34th street; room number —; address, Williams, Paul P.; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, ten years; State, ten years; naturalized, ...; date
1039 of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see sec. 36, chap. 680 Laws '92; number on ballot, 63; minutes. Note: In case of challenge the 'minute' prescribed in sec. 112, chap. 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 72 East 34th street; room number ..., address, Dodge, Arthur M.; sworn, yes; nativity, New York; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, ...; date of papers, —; court,—; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, ...; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, ...; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 10 East 34th street; room number —; address, Higgins, Francis; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, ten years; county, thirty years; State, thirty years; naturalized, yes; date of papers, March 10, 1858; court, common pleas; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 83; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 30 East 34th street; room number, —; address, Barner, Francis; sworn, yes; nativity, England; color, white; term
1040 of residence, election district, three years; assembly district, three years; county, twenty years; State, twenty years; natu-

ralized, yes; date of papers, October 18, 1890; court, common pleas; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 112, chapter 680 Laws 1892; number on ballot, 211; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 24 East 34th street; room number, —; address, Galbrigh, William H.; sworn, yes; nativity, New York; color, white; term of residence, election district, eleven months; assembly district, eleven months; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680, Laws 1892; number on ballot, 65; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 72 East 34th street; room number, —; address, Johnston, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, April 1, 1892; court, superior; qualified voter, yes; date of application, October 19th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 184; minutes. Note:
In case of challenge the 'minute' prescribed in section 112,
1041 chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 6 E. 34th street; room number, —; address, Warrall, Lawrence; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name,—; voted November, November 8th; challenged — see section 36, chapter 680 Election Laws 1892; number on ballot 48; minutes. Note: In case of challenge the 'minute' prescribed in sec. 112 chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 12 East 34th street; room number, —; address, Ryan, Frank L.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, four months; assembly district, four months; county, twelve years; State, twelve years; naturalized, —; date of papers —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 41; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Elec-

tion Laws 1892 will be entered in this column opposite name of voter.

Residence, 12 East 34th street; room number, —; address, Ryan, Peter, J.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 21; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892, will be entered in this column opposite name of voter. 1042

Residence, 62 East 34th street; room number —; address, Rosevelt, Frank; sworn, yes; nativity, New York; color, white; term of residence, election district, fifteen months; assembly district, fifteen months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36 chapter 680 Laws 1892; number on ballot, 155; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 18 East 34th street: room number —; address, Martin, Michael; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, four years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 30; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 18 East 34th street; room number, —; address, Tracy, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, thirteen years; State, thirteen years; naturalized, yes; date of papers, October 14, 1891; court, superior; qualified voter, yes; date of application, October 26th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 38; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter. 1043

Residence, 18 East 34th street; room number —, address, Middletown, Martin; sworn, yes; nativity, Mass; color, white; term of residence, election district, thirty days; assembly district, thirty days;

county, one year; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, see section 36, chapter 680 Laws 1892; number on ballot, 177; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 12 East 34th street; room number —; address, O'Brien, Patrick; sworn, yes; nativity, New York; color, white; term of residence, election district, six years; assembly district, six years; county, twenty-six years; State, twenty-six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged—see section 36, chapter 680 Laws 1892; number on ballot, 3; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 10 East 34th street; room number —; address, McCloy, William C.; sworn, yes; nativity, Penn.; color, white; term 1044 of residence, election district, ten months; assembly district, ten months; county, five years; State, five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged,—see section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 4 East 34th street; room number, —; address, Falk, John C.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 200; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 41 East 33rd street; room number, —; address, Carver, Jacob H.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two years; assembly district, two years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged,—see section 36, chapter 680 Laws 1892; number on ballot, 42; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Elec-

tion Laws 1892 will be entered in this column opposite name of voter,—returned the ballot.

1045 Residence, 22 East 33rd street; room number, —; address, Moore, William G; sworn, yes; nativity, New York; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of of papers, ...; court, ...; qualified voter; yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged ..., see section 36, chapter 680 Laws 1892; number on ballot, 14; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 15 East 33rd street; room number, —; address, Sands, Philip J.; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged — see section 36, chapter 680 Laws 1892; number on ballot, 141; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column op-

1046 posite name of voter.

Residence, 39 East 33rd street; room number —; address, Sands, Robert A.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged—see section 36, chapter 680, Laws 1892; number on ballot, 111; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 33 East 33rd street; room number —, address, Walker, John B.; sworn, yes; nativity, New York; color, white, term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified —; date of erasing name, —; voted November, November 8th; challenged,—see section 36, chapter 680 Laws 1892; number on ballot 43; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter, —.

Residence, 31 East 33rd street; room number —; address, Dwyer, James; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten months; assembly district ten months; county, twelve years; State, twelve years; naturalized, yes; date of papers, September 30, 1886; court, common pleas; qualified voter, yes;

date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —
1047 see section 36, chapter 680 Laws 1892; number on ballot, 203; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 7 East 33rd street; room number —; address, Atterbury, Grosvner; sworn, yes; nativity, Michigan; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged,—see section 36, chapter 680 Laws 1892; number on ballot, 194; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 10 East 33rd street; room number —; address, Carley, Earl, E.; sworn, yes; nativity, Kentucky; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged,—see section 36, chapter 680 Laws 1892; number on ballot, 186; minutes. Note: In case of challenge the 'minute prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 9 East 33rd street; room number —; address, De Luze, Francis Ogden; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of
1048 application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged,—see section 36, chapter 680 Laws 1892, number on ballot, 150; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 43 East 33rd street; room number —; address, Monroe, George E.; sworn, yes; nativity, China; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 144; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 21 East 33rd street; room number —; address, Phoenix, Lloyd; sworn, yes; nativity, New York; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 195, minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 33 East 33rd street; room number —; address, Denton, Myron P.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two
1049 years; county, three years; State, three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged. See section 36, chapter 680 Laws 1892; number on ballot, 60; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 12 East 33rd street; room number —; address, Falk, John M.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, six months; assembly district, six months; county, twenty-one years; State, tenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 37; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 26 East 33rd street; room number —; address, Hammacher, William A.; sworn, yes; nativity, New York; color, white; term of residence, election district, four years; assembly district, four years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 18; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 22 East 33rd street, room number —; address, Moore, William H. H.; sworn, yes; nativity, New York; color,
1050 white; term of residence, election district, thirty years; assembly district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th;

challenged,—see section 36 chapter 680 Laws 1802; number on ballot, 13; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 23 East 33rd street; room number —; address, Winthrope, Frederick B.; sworn, yes; nativity, France; color, white; term of residence, election district, five years; assembly district, five years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged,—see section 36, chapter 680 Laws 1892; number on ballot, 53; minutes. Note: In case of challenge the 'minute' prescribed in section 12, chapter 680 Election Law 1892 will be entered in this column opposite name of voter, —.

Residence, 1 East 33rd street; room number —; address, Delevan, Byrson, D.; sworn, yes; nativity, New York; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged,—see section 36, chapter 680 Laws 1892; number on ballot, 73; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter
1051 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 53 East 33rd street, room number —; address, Doran, Thomas; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, yes; date of papers, November 16, 1867; court, common pleas; qualified voter, yes; date of application October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 40; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite the name of voter.

Residence, 19 East 33rd street; room number —; address, Camman, George P.; sworn, yes; nativity, New York; color, white, term of residence, election district, ten years; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 68; minutes. Note: In case of challenge the 'minute' prescribed in sectien 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter, —.

Residence, 7 East 33rd street; room number—; address, Atterbury,

Charles L.; sworn, yes; nativity, Michigan; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of
1052 application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 192, minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 45 East 33rd street; room number, —; address, Beach, John; sworn, yes; nativity, New York; color, white; term of residence, election district, seven years; assembly district, seven years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 124; minute. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter,

Residence, 1, East 33rd street; room number, —; address, Clark, Joseph A.; sworn, yes; nativity, California; color white; term of residence, election district, thirty days; assembly district, thirty days; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892, will be entered in this column opposite name of voter.

Residence, 28 East 33rd street; room number, —; address, Thompson, Alexander A.; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty years; assembly
1053 district, thirty years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 28, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 19 East 33rd street; room number —; address, Camman, Donald M.; sworn, yes; nativity, New York; color, white; term of residence, election district, twenty-five years; assembly district, twenty-five years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892, why disqualified, —; date of erasing name, —; voted November, November 8th, challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 210;

minutes. Note: In case of challenge the "minute" prescribed in section 112, chapter 680 Election Law 1892, will be entered in this column opposite name of voter.

Residence, 33 East 33rd street; room number, —; address, Lyons, Frank J.; sworn, yes; nativity, New York; color, white, term of residence, election district, eighteen months; assembly district, eighteen months; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 167, minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column oppo-
1054 site name of voter.

Residence, 8 East 33rd street; room number, —; address, Bowen, Richard; sworn, yes; nativity, Ireland; color, white; term of residence, election district, ten years; assembly district, ten years; county, ten years; State ten years; naturalized, yes; date of papers, October 21, 1880; court, superior; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 141, minutes. Note: In case of challenge the 'minute' prescribed in section 112 chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 33 East 33rd street; room number, —; address, Ely, Jonathan S.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 29, minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892, will be entered in this column opposite name of voter.

Residence, 35 East 33rd street; room number, —, address, Govan, Jacob F.; sworn, yes; nativity, Virginia; color, black term of residence, election district, four months; assembly district, ten years; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified —; date of erasing
name, —; voted November, November 8; challenged, —;
1055 see section 36, chapter 680 Laws 1892; number on ballot,
646; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 51 East 33rd street; room number, —; address, Boderstein, Frank; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three

years; county, thirty-three years; State, thirty-three years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 206, minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 30 East 33rd street; room number, —; address, Ransom, George M.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, six years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 202; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 10 East 33rd street; room number, —; address, Terry, Walter P.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, two months; assembly district, two months; county, one year; State, one year; naturalized, —; date of pa-
1056 pers, —; court, —; qualified voter, yes; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 185; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 38 East 33rd street; room number —; address, Pryor, Roger A. Jr.; sworn, yes; nativity, Virginia; color, white; term of residence, election district, one year; assembly district, one year; county, ten years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29, 1892; why disqualified —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680, Election Laws 1892; number on ballot, 205; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 12 East 33rd street; room number —; address, Milholland, John E.; sworn, yes; nativity, New York; color, white; term of residence, election district, eight months; assembly district, eight months; county, two years; State, thirty-two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 92; minutes.

Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 12 East 33rd street; room number —; address, Milholland, Frederick E.; sworn, yes; nativity, New York; 1057 color, white; term of residence, election district, two months; assembly district, two months; county, five years; State, thirty-six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 183; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 2 East 33rd street; room number, —; address, Pessells, Walter C.; sworn, yes; nativity, Georgia; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 19; minutes. Note: In case of challenge the 'minute' prescribed in section 112 chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 18 East 33rd street; room number —; address, Greer, Thomas J.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 191; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election 1058 Law 1892 will be entered in this column opposite name of voter.

Residence, 351 Fifth avenue; room number, —; address Stockhouse, Henry W.; sworn, yes; nativity, New York; color, white; term of residence, election district, twelve years; assembly district, twelve years; county, twelve years; State, twelve years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —, see section 36, chapter 680 Laws 1892; number on ballot, 98; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 351 Fifth avenue; room number, —; address, Andrews, Josephy; sworn, yes; nativity, Mass.; color, white; term of resi-

dence, election district, two years; assembly district, two years; county, two years; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 11th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 76; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 331 Fifth avenue; room number, —; address, Caffrey, John P.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, six years; assembly district, six years; county, seven years; State, seven years; naturalized, yes; date of papers, July 11, 1890; court, common pleas; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; chal-
1059 lenged, — see section 36 chapter 680 Laws 1892; number on ballot, 161; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 349 Fifth avenue, room number —; address, Stebbins, George L.; sworn, yes; nativity, New York; color, white; term of residence, election district, three years; assembly district, three years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 77; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 325 Fifth avenue; room number —; address, Benedict, James A.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, twenty years; assembly district, twenty years; county, twenty years; State, twenty years; naturalized, ...; date of papers, ...; court, ...; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 104; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 349 Fifth avenue; room number —; address, Lord, Charles E.; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty days; assembly district,
1060 twenty years; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on bal-

lot, 147; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 345 Fifth avenue; room number —; address, Van Nest, George W.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 137; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892, will be entered in this column opposite name of voter.

Residence, 347 Fifth avenue; room number —; address, Rosenthal, Julius; sworn, yes; nativity, New York; color, white; term of residence, election district, three months; assembly district, three months; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 128; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

1061 Residence, 349 Fifth avenue; room number —; address, Wright, George M.; sworn, yes; nativity, Vermont; color, white; term of residence, election district, three years; assembly district, three years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 127; minute. Note: In case of challenge the minute prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 349 Fifth avenue; room number —; address, Frothingham, Samuel; sworn, yes; nativity, Mass.; color, white; term of residence, election district, two years; assembly district, two years; county, seven years; State, seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted in November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 149; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 341 Fifth avenue; room number —; address, Bolton, Henry C.; sworn, yes; nativity, Penn.; color, white; term of resi-

dence, election district, eight years; assembly district, eight years; county, eight years; State, eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted in November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 24; minutes. Note: In
1062 case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 347 Fifth avenue; room number, —; address, Kennegthy, T. Frederick; sworn, yes; nativity, New York; color, white; term of residence, election district, four months; assembly district, twenty-eight years; county, twenty-eight years; State, twenty-eight years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted in November, November 8th; challenged, see section 36, chapter 680 Laws 1892; number on ballot, 126; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 347 Fifth avenue; room number, —; address, Kennworthy, Thomas C.; sworn, yes; nativity, Penn.; color, white; term of residence, election district, four months; assembly district, three years; county, twenty-five years; State, twenty-five years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted in November, November 8th; challenged, — see section 36 chapter 680 Laws 1892; number on ballot, 113; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 329 Fifth avenue; room number, —; address, Christopher, Andrew; sworn, yes; nativity, Norway; color, white; term of residence, election district, three years; assembly district, three years; county, five years; State, five years; naturalized, yes;
1063 date of papers, August 9, 1872; court, common pleas; qualified voter, yes; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted in November, November 8th; challenged, — see sec. 36, chapter 680 Laws 1892; number on ballot, 187; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, 341 Fifth avenue; room number, —; address, Tobin, John M.; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years, assembly district, two years; county, five years; State, five years; naturalized, yes; date of papers, November 3, 1884; court, New Jersey common pleas; qualified voter, yes; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; chal-

lenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 27, minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680, Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 345 Fifth avenue, room number, —; address, Baast, John; sworn, yes; nativity, Belgium; color, white, term of residence, election district, two years; assembly district, two years, county, twenty-three years; State, twenty-three years; naturalized, yes, date of papers, October 22nd, 1880; court, com. pleas; qualified voter, yes; date of application, October 29th, 1892; why disqualified, —; date of erasing name,—; voted in November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 189; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

1064 Residence, Park Avenue hotel; room number 499; address, Downbush, William F.; sworn, yes; nativity, Germany; color, white; term of residence, election district, forty days, assembly district, forty days, county, twenty-five years, State, twenty-five years; naturalized, yes, date of papers, May 1, 1866; court, superior; qualified voter, yes; date of application October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 139; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 574; address, Williams, Frank S.; sworn, yes; nativity, Louisiana; color, white; term of residence, election district, one year; assembly district, one year; county, twenty-seven years; State, twenty-seven years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36 chapter 680 Laws 1892; number on ballot, 170; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 501; address, Falls, De Witt C.; sworn, yes; nativity, New York; color, white; term of residence, election district, five years; assembly district, five years; county, five years; State, five years; naturalized, —; date of papers,—; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section

1065 36, chapter 680 Laws 1892; number on ballot, 85; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 417; address, Bow-

man, Joseph J.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, three years; assembly district, three years; county, thirty years; State, thirty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 570; address, Perry, Alexander J.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, one year; assembly district, one year; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted in November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 678; address, Livingston, Henry W.; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing
1066 name, —; voted in November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 101; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 608; address, Crandell, Elbert; sworn, yes; nativity, New York; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, ten years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — See section 36, chapter 680 Laws 1892; number on ballot, 119; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 685; address, Bogle, Charles H.; sworn, yes; nativity, Rhode Island; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — See section 36, chapter 680 Laws 1892, —; number on ballot —; minutes. Note: In case of challenge the

'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel, room number 672; address, Thompson, Percy; sworn, yes; nativity, Alabama, color, white; term of residence, election district, four months; assembly district, four months; county, three years; State, three years; naturalized, —; date
1067 of papers, —; court, —; qualified voter, yes; date of application, October 19, 1892; why disqualified, —; date of erasing name —; voted November, November 8th; challenged, — See section 36, chapter 680 Laws 1892; number on ballot, 181; minutes, Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 470; address, Nash, Job M.; sworn, yes; nativity, Ohio; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 108; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 317; address, Earle, William H.; sworn, yes; nativity, Conn.; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 133; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 624; address,
1068 Reed, Frederick A.; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two year; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —. See section 36, chapter 680 Laws 1892; number on ballot, 52; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 253; address, Kitcher, William K.; sworn, yes, nativity, Georgia; color, white; term of residence, election district, thirty days; assembly district, thirty years; county, thirty years; State, thirty years: naturalized, —; date

of papers, —; court, —; qualified voter, yes; date of application, October 28, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680, Laws 1892; number on ballot, 57; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 643; address, Everhart, Frank; sworn, yes; nativity, Penn.; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, twenty years; State, twenty years; naturalized, —; date of papers, —; court, — qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 100; min-
1069 utes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 578, address, Beaudet, Homer J.; sworn, yes; nativity, Canada; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, ten years; State, ten year; naturalized, —; date of papers, October, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — See section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note. In case of challenge the 'minute' prescribed in section 112, *section* 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 679; address, Lanwill, Alfred; sworn, yes; nativity, New Jersey; color, white; term of residence, election district, one year; assembly district, one year; county, one year; State, one year; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — See section 36, chapter 680 Laws 1892; number on ballot, 172; minutes. Note. In case of challenge 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 553; address, Williams, Theodore C.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, three months; assembly district, three months; county, nine years; State, nine years; naturalized, —; date of papers, —; court, —; qualified voter, —; date of
1070 application, October 28th, 1892; why disqualified,—; date of erasing name, —; voted November, November 8th; challenged, — See section 36, chapter 680 Laws 1892; number on ballot, 105; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 442; address,

Bolander, William H; sworn, yes; nativity, New York; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, ten years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 4; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 599, address, Ilsley, Silas A; sworn, yes; nativity, New York; color, white; term of residence, election district, eight years; assembly district, eight years; county, eight years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot 87, minutes. Note: In case of challange the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 685; address, Dick, Harris B.; sworn, yes; nativity, New York; color, white;
1071 term of residence, election district, five years; assembly district, five years; county, twenty-one years; State, twenty-one years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot 126; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 443; address, DeLos, McCurdy; sworn, yes; nativity, New York; color, white; term of residence, election district, six years; assembly district, six years; county, six years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, —; see section 36, chapter 680 Laws 1892; number on ballot, 5; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 703; address, Clark, K. Floyd; sworn, yes; nativity, South Carolina; color, white; term of residence, election district, thirty days; assembly district, thirty days; county, fifteen years; State, fifteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, —; see

section 36, chapter 680 Laws 1892; number on ballot, 136; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this
1072 column opposite name of voter.

Residence, Park Avenue hotel; room number, 434; address, Towsend Robert; sworn, yes; nativity, New York; color, white; term of residence, election district, two years; assembly district, two years; county, two years; State, two years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 121; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 455, address, Smith, Charles Jr.; sworn, yes; nativity, New York; color, white; term of residence, election district, six years; assembly district, six years; county, thirty years; State, thirty years; naturalized —; date of papers, —; court, —; qualified voter, yes; date of application, October 28th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 86; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 480; address, Mayer, Albert M.; sworn, yes; nativity, Germany; color, white; term of residence, election district, nine months; assembly district, nine months; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers, October 5th, 1880; court, superior court; qualified voter, yes; date of application, October 28th, 1892;
1073 why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 25; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter,—returned ballot.

Residence, Park Avenue hotel; room number 687; address, Howell, Henry C.; sworn, yes; nativity, New York; color, white; term of residence, election district, ten months; assembly district, ten months; county, forty years; State, forty years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application; October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th, challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 173; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Law 1892 will be entered in this column opposite name of voter.

Residence, Park Avenue hotel; room number 631; address, Shep-
rd, Charles W.; sworn, yes; nativity, New York; color, white;
erm of residence, election district, thirty days; assembly district,
irty days; county, five months; State, three years; naturalized,
-; date of papers, —; court, —; qualified voter, yes; date of ap-
lication, October 29th, 1892; why disqualified —; date of erasing
ame, —; voted November, —; challenged, — see section 36, chap-
r 680 Laws 1892; number on ballot, —; minutes. Note: In case
challenge the 'minute' prescribed in section 112, chapter 680
lection Law 1892 will be entered in this column opposite name of
ter.

Residence, Park Avenue hotel; room number 318; address,
osson, George F.; sworn, yes; nativity, New York; color, white;
term of residence, election district, one year; assembly dis-
74 trict, year; county, four years; State, four years; naturalized,
—; date of papers, —; court, —; qualified voter, yes; date of
plication, October 29th, 1892; why disqualified, —; date of eras-
g name, —; voted November, November 8th; challenged,—
e section 36, chapter 680 Laws 1892; number on ballot, 186,
inutes. Note: In case of challenge the 'minute' prescribed
section 112, chapter 680 Election Laws 1892 will be entered in
s column opposite name of voter.

Residence, 183 Madison avenue, room number —; address, Jones,
lward G.; sworn, yes; nativity, Conn.; color, white; term of resi-
nce, election district, four years; assembly district, four years; county,
enty-one years; State, twenty-one years; naturalized, —; date of
pers, —; court, —; qualified voter, yes; date of application,
tober 28th, 1892; why disqualified, —; date of erasing name,
; voted November, November 8th; challenged, — see section 36,
apter 680 Laws 1892, number on ballot, 199; minutes. Note: In
e of challenge the 'minute' prescribed in section 112 chapter 680
ection Law 1892 will be entered in this column opposite name of
er.

Residence, 163 Madison avenue; room number —; address,
ller, Frank L.; sworn, yes; nativity, New York; color, white;
n of residence, election district, thirty days; assembly district,
years; county, six years; State, six years; naturalized, —;
e of papers, —; court, —; qualified voter, yes; date of applica-
n, October 28th, 1892; why disqualified, —; date of erasing
ne, —; voted November, November 8th; challenged, — see sec-
n 36, chapter 680 Laws 1892, number on ballot, 182; minutes.
e: In case of challenge the 'minute' prescribed in section 112,
chapter 680 Election Laws 1892 will be entered in this column
5 opposite name of voter.

Residence, 159 Madison avenue; room number, —; ad-
ss, Muhall, Michael; sworn, yes; nativity, Ireland, color, white;
n of residence, election district, six years; assembly district, six
rs; county, thirty years; State, thirty years; naturalized, —;
e of papers, no papers; court, —; qualified voter, —; date of

application, October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, —; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 153 Madison avenue; room number —; address, Hill, Thomas J.; sworn, yes; nativity, Mass.; color, white; term of residence, election district, two years; assembly district, two years; county, eighteen years; State, eighteen years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged, — see section 36, chapter 680 Laws 1892; number on ballot, 179, minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892 will be entered in this column opposite name of voter.

Residence, 181 Madison avenue; room number, —; address, Faulkner, Alexander; sworn, yes; nativity, Ireland; color, white; term of residence, election district, two years; assembly district, two years; county, twenty-five years; State, twenty-five years; naturalized, yes; date of papers, January 27th, 1870; court, superior; qualified voter, yes; date of application, October 29th, 1892;
1076 why disqualified, —; date of erasing name, —; voted November, —; challenged, — see section 36, chapter 680 Laws 1892, number on ballot, —; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter 680 Election Laws 1892, will be entered in this column opposite name of voter.

Residence, 157 Madison avenue; room number —; address, Milliken, Samuel E.; sworn, yes; nativity, Texas; color, white; term of residence, election district, three years; assembly district, three years; county, four years; State, four years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29th, 1892; why disqualified —; date of erasing name, —; voted November, November 8th; challenged,—see section 36, chapter 680 Laws 1892, number on ballot, 114; minutes. Note: In case of challenge — will be entered in this column opposite name of voter.

Residence, 12 East 33rd street; room number —, address, Withington, James H.; sworn, yes; nativity, Maine; color, white; term of residence, election district, two months; assembly district, two months; county, one year; State, six years; naturalized, —; date of papers, —; court, —; qualified voter, yes; date of application, October 29th, 1892; why disqualified, —; date of erasing name, —; voted November, November 8th; challenged,—see section 36, chapter 680 Laws 1892; number on ballot, 207; minutes. Note: In case of challenge the 'minute' prescribed in section 112, chapter

680 Election Laws 1892 will be entered in this column opposite name of voter.

1077 Certificate at Close of Registration.

We, the undersigned inspectors, of election in the sixth election district of the eleventh assembly district of the city and county of New York do jointly and severally certify that at the general registration of voters held in the said election district on the 11th, 19th, 28th and 29th, days of October in the year 1892, that there were registered by us as qualified voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered and qualified voters was and is (221) two hundred and twenty-one.

Dated New York, October 29, 1892.

SYLVESTER E. DONOVAN, Chairman.
BERTELLO H. BUTTRICK.
EUGENE A. GRAHAM.

1078 Certificate Respecting Persons Challenged.

We certify that the minutes opposite the names of persons challenged are all such minutes as to all persons challenged at this election.

SYLVESTER E. DONOVAN, Chairman.
EUGENE A. GRAHAM.
BERTELLO H. BUTTERICK.

I hereby certify that this book has been properly and correctly checked, in compliance with section 866, chapter 410, Laws 1882.

EUGENE A. GRAHAM, Inspector.

1079 "EXHIBIT L"—"JOSEPH KELLY."

I, Charles S. Whitman, notary public in and for the county of New York and State of New York, certify that the said Joseph Kelly, witness, wrote in my presence the said words "Exhibit L" and subscribed his name thereto and that this "Exhibit L" is the identical "Exhibit L" which said witness made part of his answer to question No. 6 of this, his deposition and attaches to this his deposition.

CHARLES S. WHITMAN,
Notary Public, New York County, State of New York.

(Inter. rev. 10 ct. stamp. Canceled Sept. 9, 1898. C. S. W.)

1080 EXHIBIT No. 12.

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court.

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Deceased, Defendant.

The evidence and depositions of sundry witnesses taken before me, William C. Mitchell, of the city of Lafayette, Tippecanoe county, Indiana, a commissioner appointed by the order, and by the agreement of the said plaintiff and defendant, made and entered in said above entitled action, and in pursuance of the said order of said circuit court, to be read in evidence on behalf of said parties, in said above entitled action now pending in said Warren circuit court, in which William S. Baugh, treasurer of Tippecanoe county, is plaintiff, and James Buck, trustee of a trust created by the will of Job M. Nash, deceased, is defendant, the said plaintiff and defendant, each in proper person, being present, and Messrs. Hanly and Wood, attorneys, being present on behalf of the said plaintiff, and Byron W. Langden, attorney, being present on behalf of the said defendant.

That the said evidence is, and the said witnesses depose and say as follows:—

1081 STATE OF INDIANA, } ss:
Warren County, }

In the Circuit Court.

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Indiana, Pl'ff,
vs.
JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Dec'd, Defendant.

It is agreed by the said plaintiff and defendant that the evidence in the above entitled cause in behalf of the said plaintiff and also in behalf of the said defendant shall be taken according to the order of said court by William C. Mitchell, special master heretofore appointed by the said court and shall be taken on the 18th day of March, 1901 and if necessary the taking thereof shall be taken from

day to day until all of the evidence of said parties shall have been all taken.

Made this 10th day of January 1901.

LANGDON & COFFRATH,
Att'y for Defendant.
HANLY & WOOD,
Atty's for Plaintiff.

1082 Pleas held before the Hon. Joseph M. Rabb, sole judge of the Warren circuit court and at the May term thereof for the year 1898, to-wit:—

Wednesday June 8th, 1898, 15 day.

WILL. S. BAUGH, Treasurer Tippecanoe County, Ind.,
vs.
JAMES BUCK, Trustee.

Come [redacted] parties by their attorneys and by agreement of the parties the court appoints William C. Mitchell Esq. special master commissioner to take the evidence in this action and report the same to this court on the 10th judicial day of the next October term of this court and said commissioner is authorized to employ any competent stenographer who shall transcribe the evidence taken by him and the same shall be certified and returned by said commissioner to this court as hereinbefore ordered.

It is further ordered by the court upon this agreement of the parties that either or any of them shall be at liberty to take depositions in a proper case and upon such notice and according to the statute in such cases made and provide- but such depositions shall be taken on or before the said 10th judicial day of term.

STATE OF INDIANA, } ss:
Warren County, }

I, John G. McCord, clerk of the Warren circuit court of Warren county, Indiana, do hereby certify that the above and foregoing is a true and complete copy of the order of the court in the cause Will. S. Baugh treasurer of Tippecanoe county Indiana vs. James
1083 Buck trustee as the same appears of record and on file and remaining in my office.

Witness my hand and the seal of Warren circuit court, this 24th day of November 1900.

JOHN G. M'CORD,
Clerk Warren Circuit Court.

[SEAL.]

William C. Mitchell, being duly sworn on his oath sayeth: That he will honestly and faithfully discharge the duties of special master commissioner in the case of William S. Baugh, treasurer of Tippe-

canoe county, Indiana, plaintiff, and James Buck, trustee of the trust created under the will of Job M. Nash, deceased, defendant, to take evidence in said case pursuant to an order of the court heretofore made in said case now pending in the Warren circuit court, Indiana.

WILLIAM C. MITCHELL.

Subscribed and sworn to before me this 18th day of March, 1901.

[SEAL.] J. FRANK HANLY,
Notary Public.

My commission expires February 25, 1903.

1084 STATE OF INDIANA, } ss:
Warren County, }

In the Wabash Circuit Court.

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Deceased, Defendant.

Comes now said plaintiff by Hanly & Wood, his attorneys and comes also said defendant by Langdon & Coffroth, his attorneys, and now file the written agreement executed January 10th, 1901, to take depositions in the above entitled cause this day before William C. Mitchell, special commissioner heretofore appointed by said court for said purpose, which written agreement reads as follows, (insert), and comes now said William C. Mitchell, said special commissioner and files his oath to faithfully perform the duties of said special commissioner and which reads as follows, (insert), and said special commissioner now appoints Alva O. Reser as stenograghер to take in short hand and transcribe into typewriting the evidence offered herein. And now on this 18th day of March, 1901, at room 39 in the court house of Tippecanoe county,

EDGAR H. ANDRESS being first duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

Q. You may state your name, age, residence and and occupation:
A. My name is Edgar H. Andress, my residence Lafayette, Indiana, my age fifty-eight, I am at present deputy State oil inspector.

1085 Q. Were you acquainted with Job M. Nash in his lifetime?
A. I was.

The further taking of these depositions, by agreement of both parties is continued until the 5th day of April, 1901, at ten o'clock a. m.

LAFAYETTE, INDIANA, April 5, 1901, 10 o'clock a. m.

The parties met pursuant to adjournment and the further taking of said depositions is continued as follows :

EDGAR H. ANDRESS recalled by the defendant and testified as follows :

Examination by Judge LANGDON, counsel for defendant continued :

Q. How long were you acquainted with him ?
A. I became acquainted with him in 1868 and I was acquainted with him up to the time of his death in July 1893.
Q. What time in 1868 was it you became acquainted with him ?
A. Along the last of spring or early summer of 1868.
Q. How old was he at the time of his death ?
A. 75.
Q. When and where and and under what circumstances did you become acquainted with him ?
A. The first time I met him was at the residence of Mr. Thomas Wood, his brother-in-law.
Q. Where ?
A. In Lafayette, Indiana. He was there visiting his sisters, Mrs. Wood and Mrs. Caroline Nash, and I met him there at Mr. Wood's house the first time.
Q. What relation were you if any to Job M. Nash ?
1086 A. Why I married Mary E. Wood, the daughter of Mr. Thomas Wood and Mary Wood, and Mrs. Mary Wood was a sister of Job M. Nash.
Q. When was your marriage ?
A. On the first day of September, 1870.
Q. Are Mr. and Mrs. Wood and Caroline L. Nash, the sister, and your wife, living or dead ?
A. They are all dead. Mr. Thomas Wood died in July, 1873, Mrs. Wood died on August 8, 1897 ; Mrs. Nash died the last of February or the first part of March, 1901, and my wife died May 11, 1900.
Q. Where did Mr. Thomas Wood, your father-in-law live from the time you became acquainted with him until his death ?
A. He lived in Lafayette, Indiana.
Q. When did you first become acquainted with Mr. Thomas Wood ?
A. He lived in Lafayette, Indiana.
Q. When did you first become acquainted with him approximately ?

A. In 1868—well in 1867 I first became acquainted with Mr. Wood in the fall of 1867.

Q. Where did his sister, Caroline L. Nash, live?

A. In Lafayette, Indiana, right in the rear of Mr. Wood's house, Mr. Wood's house faced on Ninth street and Mrs. Nash's faced on Eighth street. They lived virtually in the same yard.

Q. How long did Caroline Nash live in Lafayette?

A. From the time I first became acquainted with her in 1868 until the summer of 1895 when she went to California with her niece to San Diego, California.

Q. What, if any, business relations did you have with Job
1087 M. Nash?

A. About the first of August, 1873, I formed a partnership with my brother-in-law, Nathan S. Wood, under the firm name of Andress & Wood, to do a general brokerage and insurance business. We then had some business with Mr. Nash with others, loaning some money for him, looking after some little property that he had. That was the first business relations I had with him, about the first of August, 1873.

Q. Besides the insurance and brokerage what other business did you have with respect to loaning money?

A. Our principal business we started in for was loaning money, making our money out of the commission from borrowers.

Q. When was your firm dissolved?

A. The firm virtually was dissolved March, 1879, on the death of my partner, and I, as the surviving partner, carried it on until the first day of November, 1879. About that time we had virtually closed up our business and got our loans paid off and collected in, all but a few that belonged to Mr. Nash.

Q. What other business were you engaged in during the time you say you organized your firm, until you closed it up on the first day of November?

A. Well, we were engaged in general business.

Q. Any other business than that which you have named?

A. No, sir.

Q. After the first day of November, 1879, you may state if you went into any other business, and if you did, what it was and where?

A. I was then appointed purchasing agent of the Lafayette
1088 and Blooming, and the Lafayette, Bloomington & Mississippi railroad on the first day of November, 1879.

Q. How long did you continue in that capacity?

A. I continued in that until the fall of 1883.

24 Q. Where were you located, your headquarters?

A. At Lafayette, Indiana, in the Coleman Bank building, at the corner of Columbia and Third streets.

25 Q. How long did you continue in that business and when, if at all, did you take up any other business or occupation.

A. In the purchasing agent business.

26 Q. After you became connected with the railroad company?
A. The only business I had I retained Mr. Nash's power of attorney to discharge mort*ha*ges up to until I think 1881. My business then took me away from the city a good deal and it inconvenienced the men sometimes in getting their papers discharged, and I had the combination of the safe and the vault.
27 Q. How long did you continue in that business?
A. Until January, 1881.
28 Q. What business then did you hav e after that?
A. Virtually none so far as Mr. Nash was concerned.
29 Q. Any other business?
A. I was purchasing agent of the Lake Erie & Western railroad.
30 Q. Did you ever take up any other business after you got through with the railroad business?
A. No, sir not until I left for New York.
31 Q. When did you leave the city?
1089 A. On the second day of January, 1884.
32 Q. What business did you enter on then?
A. I went into the employ of the Murphy Varnish Company of New York city and Newark.
33 Q. What was your business there?
A. To look after railroad interests in the Eastern States and Canada for that concern. I was also engaged in a paint business besides on the outside. My headquarters were New York city.
34 Q. How long did you stay in New York city?
A. I was there until the last part of September, 1893.
35 Q. In the city of New York?
A. My business was.
36 Q. Where did you live?
A. I lived in Newark, N. J.
37 Q. When did you go there to live?
A. The first of May, 1884, I took my family there and we took up our residence there. Newark is only about nine miles from New York, and I moved my family there the first day of May, 1884.
38 Q. How long did you live in Newark, N. J.?
A. Until the last day of August 1893.
39 Q. Then where did you go?
A. I came to Lafayette and took up my residence here with my family, arriving here the first day of September.
40 Q. And you have been residing here ever since?
A. Yes.
41 Q. What was your firm's place of business in Lafayette. Where was it?
A. For a short time we were in business on the corner of Sixth and Main streets.
1090 42 Q. That firm was Andress & Wood?
A. Yes, then we moved to the Coleman Bank building on the corner of Columbia and Third streets in Lafayette, Indiana.
43 Q. How long did you remain there?

A. We remained there until I left that business when we closed out the firm business on the first of November, 1879.

44 Q. What, if any, sign did your firm have?

A. We had a big gilt sign in front of the building, Andress & Wood, bankers & brokers.

45 Q. What business, if any, was it you did for Mr. Job M. Nash?

A. We loaned some money for him, we insured his property, looked after and collected his rents, looked after the tenants and repairs and loaned some money for him and collected his interest.

46 Q. Who, if any, one else loaned any money for Mr. Nash in Indiana or transacted any business for him during the existence of your firm?

A. I don't know of anybody whatever. Prior to that Mr. Wood had transacted some business for him.

47 Q. Which Mr. Wood?

A. Mr. Thomas Wood.

48 Q. His brother-in-law?

A. Yes, sir.

49 Q. What other business did your firm do for Mr. Nash other than what you have already spoken of?

A. Nothing. We did no other business for him.

50 Q. What interest, if any, did Mr. Nash have in your firm other than being a customer?

A. None whatever.

1091 51 Q. Who else, if any one, acted or transacted business for Mr. Job M. Nash in Indiana from the time that your firm was organized until July or August, 1882?

A. Mr. James McCormick was left in charge of the business that we left.

52 Q. Who else besides you and Mr. McCormick?

A. No one except my brother-in-law, and myself of course in our firm business, and after his death I as the surviving partner looked after it, after 1881 Mr. McCormick took charge of it.

53 Q. When did Mr. McCormick first enter upon taking care of any of the business of Mr. Job M. Nash?

A. After the first of November, 1879, he was a mere——

54 Q. What relation did Mr. James McCormick have to your firm or you as the survivor, if any?

A. Our bookkeeper. We hired him and paid him as a bookkeeper. He served in that capacity——

55 Q. You say you closed out your firm in 1879, and Mr. James McCormick acted for Mr. Nash. State what he did for Mr. Nash?

A. On the first of November, 1879, I paid up the rent to Mr. Coleman for the building and turned the office virtually over to Mr. McCormick.

56 Q. What did you turn over to him?

A. I turned over the books and the furniture we had there, that was left there, nominally until such a time as I could dispose of the furniture. Mr. Nash had to have somebody to look after his tenants

and collect his rents. There was very little or no interest to
1092 collect at that time—to look after his ten-ts, etc., and collect his rents, and Mr. McCormick was virtually there. I retained the combinations of the safes and the vault, as I said before, up to January, I think, in 1881.

57 Q. Did Mr. McCormick have access to the books and papers?

A. No, sir, he did not.

58 Q. Did he know the combinations of the safes you speak of?

A. No sir.

59 Q. Where were the books and papers of Mr. Nash and others kept?

A. They were kept in a burglar proof safe in the vault of which I had the combination alone and kept it. Mr. McCormick never had that.

60 Q. Was there more than one safe?

A. There were two. There was a fire proof safe and then we had a burglar proof safe, and all the books and papers were kept in this burglar proof safe. It was a very fine safe and a very fine combination.

61 Q. What power to loan money, if you know, did Mr. McCormick have, the money of Mr. Nash?

A. He had none whatever.

62 Q. Did he make any loans?

A. No sir, not to my knowledge he never made a loan.

63 Q. Did you get this information from Mr. Nash or from Mr. McCormick or from both of them together, or how?

A. I got it from Mr. McCormick and the books up to 1882—of course Mr. McCormick left there in 1882, and died in 1882.

1093 64 Q. Before that did Mr. Nash tell you anything about what you were to do?

A. To close up his business and wind it up. He had no power whatever to make any loans. Mr. Nash began withdrawing his business in 1878 and closing it up and when I left the office in 1879 there was very little of his business there.

65 Q. Where is James McCormick?

A. Dead.

66 Q. When did he die?

A. In 1882.

67 Q. What office or place of business did Mr. Nash have in Indiana from the time you knew him until the first day of November 1879?

A. He had none sir.

68 Q. What sign of his or any business where he was, he was interested, was there in Indiana?

A. He had none, never had any.

69 Q. If Mr. Nash loaned any money at any time personally in Indiana up to the first of November, 1879, you may state it.

1094 A. He never did, to my knowledge.

70 Q. What business books or account did Nash keep, if any, up to 1879?

A. He had no books whatever. All his business was kept on our book as we kept all our customers on our books. All the book he had was a bank book in which his deposits were recorded. That was the only book he ever had, account or anything.

71 Q. What moneys were placed to that account in the bank?

A. Rents from his business and interest that came in. When loans were paid off the money was deposited in his name, as well as the money arising from the sale of grain from his farms and rents from residence property in the city and his interest.

72 Q. What books did your firm have?

A. We had a journal, it was a journal and cash book combined, and a ledger and a register.

73 Q. What became of the register?

A. I don't know, sir. I presume that has been destroyed or lost.

74 Q. Describe the register and its uses?

A. It is a book that I had made when we took charge of the business, the first of August, 1873, and when it opened out it was about twenty-four inches square. This book was ruled in columns and lines so as to enter the maker of a pieces of paper, where it was a mortgage, and the payee and the time due and the different numbers of notes and the column when paid and when due and general remarks that were relative to a loan; that was all entered on there as a matter of convenience so we would not have to take up the
1095 papers and examine them. Whenever a loan was made it was entered on the book.

75 Q. Do I understand that all obligations payable by any of your customers were entered there?

A. Every one was entered on that book.

76 Q. Was any other paper entered there?

A. No, sir, only our customers and mortgages and notes.

77 Q. Or any other papers payable to your customers?

A. Yes, they were all entered on that register to keep a record of them.

78 Q. Where were they kept?

A. In this little safe in the vault.

79 Q. Who made the entry-s in the register?

A. I made the most of them. My partner made a few. I generally kept that book myself. For the last three years I presume I made every one of them. It was my duty to look after that book.

80 Q. What is the fact as to all or any part of Mr. Nash's paper, promissory notes or mortgages or other obligations that were in Indiana being entered upon that register?

A. They were all entered upon that register, all paper made by parties in Indiana, and payable in Indiana and secured on lands in Indiana were all entered upon that book. That was the custom. There was one outside loan that was entered on there which was a renewal we made in 1874 on parties in Cincinnati, secured on loans and property in Cincinnati, but that was the only one outside of In-

diana loans secured on Indiana property by Indiana parties that was ever put on that register, to my knowledge.

1096 81 Q. The last three years you say you entered all the entry-s?

A. Yes, sir.

82 Q. Was there any others?

A. No, sir, there was none, with the exception of this one I speak of.

83 Q. And that was entered you say when?

A. That was entered in May, 1874, and was paid off in Cincinnati in May, 1879.

84 Q. Where was it payable?

A. In Cincinnati.

85 Q. Where was it dated or headed from?

A. In Cincinnati.

86 Q. To whom was it payable?

A. Job M. Nash.

87 Q. Do you say it was secured by mortgage?

A. A mortgage in the city of Cincinnati.

88 Q. Where were the lands located?

A. In Cincinnati, Ohio.

89 Q. You say this was a renewal?

A. Yes, sir.

90 Q. How did you come to make the renewal?

A. Why we were there to make loans if we could get a commission.

91 Q. Who told you to make the renewal?

A. Mr. Nash said, "Ed. if you can make a commission out of that loan you can renew it. I think those parties want to renew it. You can take charge of that if you want to. I went to Cincinnati and negotiated the loan and drew up the interest notes. I didn't change the principal note at all; it was left as it was. I drew up

1097 the interest notes for five years, payable quarterly. They were made payable in Cincinnati and were paid in Cincinnati; the principal note was paid there. We simply entered it on our records to keep track of it.

92 Q. Was the money sent here?

A. No, sir.

93 Q. Where was the principal and these interest notes kept?

A. They were kept in our vault, not the principal note but these interest notes were. We never had the mortgage nor the principal note.

94 Q. What was done with the interest notes?

A. They were paid off, passed to the credit of Mr. Nash, I presume down there.

95 Q. Were they kept in the same place with the other papers you speak of?

A. Yes, sir.

96 Q. Was any other thing done with them in any way, shape or manner?

A. No, sir.

97 Q. What real estate, if any, did Mr. Nash have in Indiana from August 1873 to his death in 1893, if you know?

A. In 1873 he practically had but very little. On November 1st, 1879 he had quite a number of farms and quite a number of lots in the city of Lafayette; I couldn't state how many. I know he had quite a number of farms at that time.

98 Q. What was the state of your business as to being closed up on the books and everything with the exception of a few pieces of paper there belonging to Mr. Nash. It was virtually closed
1098 up from March 1879 to November 1, 1879.

99 Q. What did Mr. Nash do, if anything, with reference to his business on and after Nov. 1, 1879?

A. As I stated before I left the furniture and books in the office of the Coleman Bank building. He had to have some body to collect his rents and look after his property etc. and I think he remained in that office for a while, how long I don't remember. I think he rented a room of Mr. Stockton on Fourth street. Mr. McCormick was left there in charge of it. He could not have staid there very long from the fact that the Lake Erie & Western absorbed about all of that building as that afterwards became the auditor's department, and I sold the furniture that was there to the railroad company.

100 Q. If you ever communicated the combination of these safes to anyone you may state to whom and when it was?

A. In 1881 I gave Mr. McCormick—instructed him and showed him the combination on the vault door and to the big safe.

101 Q. Why?

A. Because it was Mr. Nash's wish and my wish those papers should be kept——

102 Q. What made you show those combinations to him?

A. So he could get at the books and be able to transact any business that was there whether I was in town or not. I had this power of attorney up until 1881, and it had been inconvenient on one or two occasions when I was out of the city—my duty took me
1099 away from home considerably, and I kept those combinations until that time, and then in January 1881 I gave the combination to the vault door and to this big safe to Mr. McCormick.

103 Q. Did you ever give Mr. McCormick the combination to the smaller or burglar proof safe which you speak of?

A. I never did.

104 Q. What was kept at that time in the burglar proof safe?

A. The papers of Mr. Nash because all the others were discharged. There were possibly three or four loans and those were kept in that safe.

105 Q. Did he have policies of insurance?

A. Yes, sir.

106 Q. Where were they kept?

A. They were kept in that safe and the leases were kept in there, any papers of any importance were kept in that safe.

107 Q. During the time Mr. McCormick, as you say was looking after his affairs, after November 1879, did he get access to any papers that might have been, or were, in the burglar proof safe?

A. No, not unless there were some papers in [illegible]ere he wanted and he had to go and get me to get them. He never had the combination of that safe.

108 Q. To whom else, if any one, did you give the combination to the safes or to the vault?

A. In July or August 1882 I was informed that Mr. McCormick was to leave the employ of Mr. Nash and in the discharge of his duties there and Mr. Buck to take charge, and it was in July or August 1882 I gave Mr. Buck the combination of the small
1100 safe. I think perhaps Mr. McCormick had communicated to him the combination of the larger safe and the vault, but I gave that to him and he was the only one I ever gave that combination to—of the small safe, to Mr. Buck, that was either in July or August, 1882.

109 Q. Did you tell him what the combination was or did you do anything else about telling him?

A. I showed him right there practically.

110 Q. If at any time before and up to the time you gave the combination of the small safe to Mr. Buck there was any note, mortgage, bond, certificate of stock or other obligation to pay money, except leases, and policies of insurance belonging to Mr. Nash in whole or in part made payable out of the State of Indiana, or dated out of the State of Indiana, in either of the safes, you may describe and mention what they were, state the fact?

A. There were none there sir, none whatever.

111 Q. Were there at any time except those you have mentioned?

A. Only that one Ohio note, the renewal notes of that note.

112 Q. What note, mortgage, bond, certificate or other obligation payable to or belonging to Mr. Nash, except the interest note you speak of was in your possession or in Indiana from the time you were his agent, your firm was organized, and up to the time Mr. Buck took possession of the vault and you showed him the combination, except those made in Indiana and payable in Indiana?

A. There were none with that one exception.

1101 113 Q. What other business or affairs did Mr. Nash have in Indiana from the time your firm was organized and up to the time Mr. Buck was shown the combination?

A. He had no business whatever here except those mentioned.

114 Q. If Mr. Job M. Nash lived in Indiana state where and when?

A. No, sir, from 1868, from the time I knew him up to the time the died, he never lived in Indiana.

115 Q. Did he occupy any residence or place when he was in

Indiana, except when he was on a visit here and staid at his sister's, either Mrs. Wood or Miss Nash, but from 1868 until 1876 when Mrs. Wood broke up housekeeping, at those times he would stay there, but after 1876 whenever he visited Lafayette he stopped at the hotel.

—. ——.

116 Q. Why?

A. Well, Mrs. Wood had given up housekeeping and Aunt Tina was there alone with her niece; it was not convenient. He usually stopped at the hotel. He never rented any house or lived in any house or occupied any house that you would call a residence.

117 Q. You say you first became acquainted with Job M. Nash in the spring or summer of 1868 in Lafayette at your father-in-law's house?

A. Yes, sir.

118 Q. What were your relations then with Mr. Wood's family?

A. I was courting his daughter at that time, Mary E. Wood,
1102 whom I married the first day of September, 1870.

119 Q. If Mr. Nash spoke to you on any occasion about the subject of being in Lafayette you may state it?

A. In the spring of 1869, very early in the spring, Mr. Nash came on and I called at the house and shook hands with him and said to him that I was glad he came to see me and he said "This time I brought my wife and baby with me," and he took me in and introduced me to his wife.

120 Q. What did he say, if anything, on the subject matter when you first met him and became acquainted with him?

A. The first visit?

121 Q. Was that the first time?

A. In 1868 was the first time I ever met him.

122 Q. What did he say then about that subject matter, if anything?

A. He said he was out on a visit to his sister; his home was in New York and he was out here on a visit, visiting his sisters, Caroline and Mary.

123 Q. If he said anything at that time about business, or his business, or his brother-in-law's business you may state it?

A. Why, about at the same time when I was first introduced to him he said his brother-in-law, Mr. Thomas Wood was in the real estate and brokerage business there and making loans, and he had some money to loan and he was going to let Mr. Wood find some loans for him.

124 Q. You say, if I understand you correctly, the next time you saw him was in 1869?

A. Very early in 1869.

1103 125 Q. Where was that?

A. At Mr. Wood's residence. He brought his wife and baby with him at that time. Ada his little girl, three or four years

old, two or three years old, was with him; I don't know just how old she was now.

126 Q. What did he say about his being here and coming here at that time, if he said anything?

A. He simply said he was here on another visit and he said "This time I brought my wife and baby with me," and he took me in and introduced me to them.

127 Q. How long did he stay at Lafayette at that time?

A. He was here ten days or two weeks at that time, with his wife and baby.

128 Q. Was he in Lafayette after that and if so how often and how long?

A. O, from say 1868 he was probably in Lafayette twice a year up to say 1892.

129 Q. I mean while you were living here?

A. Up to the time I left here the first of January, 1884, he made about two visits a year, usually staying from two or three days to sometimes two or three weeks.

130 Q. Did you see him on any of those occasions?

A. Yes, I saw him every time he visited here, having business relations with him.

131 Q. How did it happen that you would see him every time?

A. Well, when he first came here I used to meet him at the house, I would be calling there during my courting, I was there 1104 several times and then after the first of September I lived there and would meet him there in the house; then in 1873 after the first of August being associated and doing business with him I would naturally see him every time he would come, oftener than almost any one else.

132 Q. You say he stopped at Mr. Wood's, Mr. Thomas Wood's?

A. Yes, sir.

133 Q. And at Caroline his sister's?

A. Once or twice there.

135 Q. At what other place did he stop?

A. At the Lahr house principally.

136 Q. Is that all?

A. No other place.

137 Q. What brought him to Lafayette?

A. To visit his sisters and look after his interests here.

138 Q. Usually how long did he stay on such occasions?

A. As I said before from two or three days to two or three weeks. I never kept tab on how long he staid but never very long.

139 Q. If you recollect any other time that he was in Lafayette and he said anything about being there and where he was going you may state that?

A. I remember particularly, about the first of November, 1879, he was here and I was closing up the business and was about accepting this position with the railroad, and he finally said he could not stay

any longer, that he had to go back home, had to go to New
1105 York, that his wife was poorly and could not stand the cold weather, that he would have to go back and he wanted to take her South, and then the next longest visit he made here——

140 Q. When was that visit you have just spoken of?

A. That was a few days after the first of November.

141 Q. Was he here in 1873?

A. He was here at the time Mr. Wood died or right afterwards. He was here to the funeral and remained a little longer than at any other.

142 Q. If he said anything at that time to you about where he was going, you may state the fact?

A. He said he had to go back home, had to go back to New York, his wife was sick; he would have to go back there as soon as he could and arrange to take her somewhere for the summer.

143 Q. What did you see him do when he said that?

A. I went with him to the train and saw him buy a ticket for New York and check his baggage and he went right back to New York.

144 Q. On any other occasion when he was in Lafayette did he say anything on the subject of where he lived or about being in Indiana?

A. Well, the most particular remembrance of that which I have was after he was here in July. He remained here until after the first of August and when he went back he said, "Now, Mr. Andress, I am going back home to New York, and if you have anything to write to me about in connection with my business affairs here at Lafayette write me at New York." And then he gave me his
1106 address in New York and I went to the train with him and checked his trunk at that time for New York city.

145 Q. What other times than those you have specified did he speak to you with reference to his home or where he was going?

A. I can't recall just the times, but whenever there was any conversation with reference to his home, it was always New York and he was going home, or that he was going to leave home.

146 Q. Did you or your wife or your firm receive any letters from him?

A. O, yes.

147 Q. What has become of them?

A. They all have been destroyed long ago, lost or burned.

148 Q. What place were they written from?

A. They were always dated New York city. There was one I recall now more particularly than any other that was written in August, 1870. He wrote to his niece, Mary Wood, that he had bought her a wedding present which he had sent her by express, and he regretted very much that he could not be present at the wedding, but that his wife was not well enough to leave her, that he would have to stay there and that he hoped she would have a happy married life, &c. I remember reading that letter. It was dated in New York and sent to her here.

149 Q. If I understand you correctly you or your wife or your firm received letters frequently during the time from 1873 until the time you went away?

A. We did not receive them very frequently. He did not write very often but whenever he did write of course he wrote prin-
1107 cipally to my wife and to myself.

150 Q. Did you know of Mr. Nash having any trunks or satchels?

A. Yes, he always carried a satchel and a trunk. He never went anywhere without them.

151 Q. Did you ever notice any particular mark on them or either of them and if you did you may state where and when and how you came to notice it?

A. There were circumstances that fastened those things on my mind. I remember he was always preaching economy and one evening—it was in the fall of 1871, I think,—I know we had been married about a year or a little over—he called me in his room—he occupied a room immediately in front of the one occupied by my wife and myself. He said, "Come in I want to show you some underwear." He showed me some silk underwear worth fifteen dollars or twenty dollars a suit and he said "That is the kind you ought to have." He went to his trunk, and I remember distinctly noticing on his trunk his initials "J. M. N.," and New York spelled out. That stood near the door and you could notice it going up and down stairs. I remember that more distinctly than almost any other event.

152 Q. After that you may state the fact as to whether you went to the train with him or not when he went away?

A. I went to the train when he came and to the train when he went away.

153 Q. What did you do, if anything, with reference to his baggage?

1108 A. I went to the train and checked his baggage. I could very easy identified it because it was always covered with canvass and had his initials "J. M. N. New York," so I could easily identify it, and I would do that when he was getting his ticket. I have carried his satchel when he went to the depot, handle that for him, carried it into the depot. That was marked the same way "J. M. N." painted on it and "N. Y." on that. On one satchel I remember he had it printed on the silver strip right on the clasp where the lock was fastened you —, or else it was on a tag fastened to the handle, "J. M. N., N. Y."

154 Q. Through what length of time did you see his satchels and trunk marked that way?

A. From that first occurence in 1871 up until his last visit when he was here in 1883.

155 Q. If he used any satchel or trunk in his traveling not marked that way or marked otherwise, you may state it?

A. I never saw any.

156 Q. When you went to New York and then afterwards to Newark, you may state whether you saw Mr. Nash when you were residing in those two places?

A. I did very frequently.

157 Q. During what years?

A. Well, the first visit I made to him——

158 Q. I am asking through what years?

A. That was from 1884 up to 1893, January 1884 until July 1893.

159 Q. Was it each year or only some of those years?

A. Every year, nearly every month except during the
1109 summer.

160 Q. If Mr. Nash had a family you may state if you know who they were, during those years, from the time you went to New York?

A. He only had himself and his wife. His children were dead before I went to New York.

161 Q. Where did Mr. Nash live during those years, if you know?

A. In 1884 when I first went to New York he was living at the Metropolitan hotel on Broadway. I called upon him there.

162 Q. Where did you live when you were in New York?

A. At the Grand Central, just two blocks above there, on the same street. I got to New York Saturday morning, January 4th, I think or about the 4th, and that evening I called on him at the Metropolitan hotel, took dinner with himself and his wife and passed part of the evening with them in their room.

163 Q. Where did he go, if he went anywhere, from the Metropolitan?

A. Afterwards at my solicitation, he moved from the Metropolitan to the Grand Central and he lived there until about 1890 when he moved to the Park Avenue hotel and he lived there until the spring of 1893 when he went South.

164 Q. What was the state of his health then?

A. He was very poorly in the spring of 1893. I was at the hotel the day he went away.

165 Q. Who did he go with, if anyone?

A. His wife and his doctor went with him on that trip. That was the last trip he made away.

1110 166 Q. When did he return, if he did?

A. He returned the forepart of May or the middle of May. I think he got back from that trip and went to the Hotel St. Mark. He first went to a little hotel and only staid a few days and then he went to the Hotel St. Mark where he died.

167 Q. When did he die?

A. It was on the 19th of July, 1893, at the Hotel St. Mark.

168 Q. Where were these hotels?

A. In New York city, State of New York. They were very centrally located, and were among the most prominent hotels there, some of them.

169 Q. When did you visit him in New York and what did you observe, if anything, if you did?

A. I visited him very frequently at his hotel and at his room. The first time I called on him there at the Metropolitan, the most particular thing I noticed were two fine oil paintings of his two dead children. There was a large crayon of himself on the wall and some other bric-a-brac, and articles of comfort such as he himself furnished and which are not usually furnished by a hotel.

170 Q. Was anyone else living with him?

A. Yes, sir.

171 Q. At their rooms?

A. What was his was hers and what was hers was his.

172 Q. What else did you observe, if anything, particularly at that time?

A. That is all I can just remember particularly about that first visit to the Metropolitan.

173 Q. After that did you call upon him and his wife?

1111 A. My wife and I made a call.

174 Q. Did you call on him?

A. Yes, frequently. Shortly after we moved to Newark my wife and I went and called on him. He was then living at the Grand Central and while we were in there he says to my wife, "I want you and Ed to come in the next room and see what I bought for Frank"—he always called his wife Frank—Frances was her name, he always called her Frank, and the children always called her Aunt Frank; so we stepped into the next room, Mrs. Nash going with us, my wife and myself, and he said "Now look here what a nice bedstead I bought. Frank objected to the bed we had and so I bought her a nice bedstead, nice enough for anybody and the springs and mattress," and he said "Look at those beautiful Parian marble vases, they look like fit subjects to grace a first-class cemetery." And he said, "I want to try and make this as comfortable as I can." And he said, "I would like to furnish a house all through and fit it all up. I have get tired of this living in hotels," and he said "Unfortunately Frank is such a poor and delicate creature that she could not undertake the care of a big house and she don't want to move out of the hotel." He said "I would like to do that very much."

175 Q. What was the state of the health of Mrs. Nash?

A. It was very delicate.

176 Q. At that time and before?

A. Yes, ever since I first knew her in 1868 or 1869, when

1112 I first became acquainted with her. She never was strong. She was delicate and peevish, she was a little bit of a diminutive thing, she wasn't bigger than a pint of cider.

177 Q. You say that you and your wife visited him and his wife in New York city frequently?

A. Yes, sir.

178 Q. During what years?

A. From 1884 to 1893, during those years.

179 Q. Up to the time of his death?

A. I do not presume there was a month we did not visit him when we were in the city.

180 Q. Did he and his wife visit you?

A. Yes, sir.

181 Q. How much?

A. Quite frequently. He was at Newark with his wife several times, possibly two or three times in that ten years. But he came over there frequently and staid for dinner with us and then go back. We lived right close to the railroad and it wasn't much inconvenience for him to come and go. He was always very fond of my wife.

182 Q. What was the distance?

A. Nine miles. We had 480 trains a day in and out of Newark to New York. We could go almost at any time we wanted to.

183 Q. What hotel was this you say they were at when you spoke of the bedstead and the bed and the marble vases?

A. That was the Grand hot*le* on Broadway, now called the Broadway Grand Central, right near Bond street.

184 Q. What, if anything, did your hear him say on the
1113 subject of a home or residence while he was at the Park Avenue hotel?

A. That was on the occasion of a visit my wife and I made to them there at the hotel.

185 Q. When was that?

A. I think that was along about 1892. I think it was that late, and he said he would like very much to have a good home, that he had got tired of living at a hotel, and he would like to get a residence right there in the city or in the immediate surroundings of New York, easily contiguous to the city, but he said Frank objected to taking on herself the cares of a house, but he would like it very much, that he had got very tired of hotel living, always living in hotels.

186 Q. At the Park Avenue hotel did you ever introduce any of your acquaintances and if you did state *it* anything that was said?

A. One afternoon I went to call on Mr. Nash and no sooner had I got in the lobby of the hotel until I saw a friend there, and I took this friend and introduced him to Mr. Nash, and seeing Mr. Nash in the hotel my friend being a transient himself he said, "This is my home; I live here in this hotel; me and my wife live here;" and he said "You will find this a very good hotel and that they will take good care of you."

187 Q. Did you ever hear him at any other times in New York speak on the subject of the place where he lived other than those you have mentioned?

A. I cannot just recall the times or particular occasions, but
1114 he was continually talking about that—not continually but he mentioned it frequently.

188 Q. You stated that his wife was called by him Frank?

A. Yes, her name was Frances. He always called her Frank, and my wife and everybody else addressed her as Aunt Frank.

189 Q. What is the fact of Mr. and Mrs. Nash remaining in New York city during the hot season of the year or did they sometimes go away?

A. They usually went away during the extreme hot season and sometimes in the winter.

190 Q. How long would they stay?

A. O, they would be gone six weeks to two months sometimes and sometimes not quite so long, and sometimes longer, owing to the spell of extreme hot weather.

191 Q. Were you present on any occasion when he said anything or anything was done by him with reference to getting ready to go away during the hot weather?

A. I remember distinctly being at the Grand Central hotel.

192 Q. Tell me what was said and done and what you observed?

A. They were getting ready to go to Saratoga, and they had a big burly porter there helping them. They were wrapping up these paintings and pictures and putting tags on them. On those tags were usually the initials "J. M. N. New York," or "F. V. N.;" that was his wife's name. She put her particular mark on certain things, she wanted for herself, and they would take their trunks
1115 pack their trunks that they wanted to take with them and then I remember Mrs. Nash had several big hampers, I remember several of them, and the porter took them and stored them away in the storeroom of the hotel and left them there until they returned and then they were brought back to their rooms again.

193 Q. How often did this occur?

A. Nearly every season.

194 Q. You may state whether you were present or not?

A. I was present twice, I remember distinctly once at the Park Avenue hotel and once at the Grand Central.

195 Q. Were you present when they returned at any time?

A. Yes, sir.

196 Q. Frequently or otherwise?

A. Not frequently, but generally I would get a letter from him stating he would leave at a certain time and be in New York at such a time, and I remember when they came to the Park Avenue hotel and I happened to be there at one time, and he asked whether he could have the same rooms he had when he left and the clerk looked and saw they were not taken and he said "Get the porters to take the stuff in the store-room right there at once," and we went on up to the room, and Aunt Frank took off her wraps and things and she was sitting in the little reception room and one of the bell boys showed us up to the room and before I left there the porter began bringing in the stuff.

197 Q. What stuff?

1116 A. The stuff stored away before they left. They were bringing that out of the store-room and putting it in the room again.

198 Q. The rooms were put in order again?
A. Yes, and I unstrapped their trunks.
199 Q. What letter head or card or bill heads did Mr. Nash ever have?
A. He never had one.

The further taking of these depositions is here adjourned at 12 o'clock, noon, April 5, 1900, until two o'clock p. m. at which time the parties reassemble as heretofore and the further taking of these depositions is continued as follows:—

Cross-examination by Senator WOOD, counsel for plaintiff:

200 Q. Mr. Andress, I believe you stated you married a niece of Job Nash?
A. Yes, sir.
201 Q. Nat Wood, your brother-in-law was a nephew of Job M. Nash?
A. Yes, sir.
202 Q. When did you state you formed a partnership with Mr. Wood?
A. About the first of August, 1873.
203 Q. And that partnership continued and the same business you formed then continued until the death of Mr. Wood?
A. In March, 1879.
204 Q. Among your customers and for whom you did business in loaning money and taking security therefor was Job M. Nash?
1117 A. Yes, sir.
205 Q. Can you give us any idea of the number of farm loans you made for Mr. Nash during the time you were transacting his business?
A. No, I don't think I could.
206 Q. Can you give us some judgment of some general idea about it?
A. I don't believe I could Mr. Wood. I have not thought of the matter for so long, and I could not aggregate the amount in dollars I know.
207 Q. Can you aggregate or give an idea of the number of different transactions, the nu-ber of loans made by you for him?
A. I presume we made on an average possibly from four to six or eight a year.
208 Q. In what counties would those loans be secured?
A. Most generally in Tippecanoe.
209 Q. There were some securities taken on loans outside of Tippecanoe county were there not?
A. Yes, sir.
210 Q. In what counties?
A. I think in White and Benton.

211 Q. Have you any idea of the amount of money you handled for Mr. Nash in this way during that period of years?

A. No, I haven't.

212 You must have some general idea?

A. I think the smallest loan we ever made was $500 and the largest we ever made was $5,000 or $6,000. We made from three or four a year to some years six or eight.

213 Q. Now, Mr. Nash had money loaned here prior to the
1118 time you commenced loaning it for him?

A. Yes, sir.

214 Q. Who did this business for him prior to that time?

A. Mr. Thomas Wood.

215 Q. Where did Mr. Wood keep his office?

A. When he first opened his office after he came back from Michigan City was on the corner of Fifth and Main streets upstairs over where Frombaugh now is, and afterwards he went in the basement of the Heath building where we succeeded him August 1st, 1873.

216 Q. For how long a time did Mr. Wood loan the money of Mr. Nash prior to the time you commenced doing it?

A. He must have commenced somewhere along 1867 or 1868, and he died the 17th of July, 1873, so that he was engaged in that business up to that time.

217 Q. Now, I believe you stated that when Mr. Nash came to this town he spent the most of the time at your office?

A. Yes, sir.

218 Q. Because of the fact that is where his business was transacted?

A. Yes, sir.

219 Q. Did Mr. Nash have places through which he loaned his money besides this place?

A. You mean in Indiana?

220 Q. No, I mean in the United States.

A. The only other place I know of or had any other knowledge of was Cincinnati.

221 Q. He did during all these years have money loaned for him at Cincinnati, did he?

1119 A. Yes, sir.

222 Q. What is the fact of his having the same character of office in New York city?

A. That I don't know. I never knew of his having an office. I don't know what bank he done his business with in New York city even.

223 Q. Now when your business was wound up here, the partnership between Andress & Wood, who succeeded to that business?

A. I as the surviving partner succeeded Andress & Wood up to the first day of November, 1879, when I turned the office over and then there was nobody succeeded virtually to the business you

might say except Mr. McCormick was left there in charge of the office.

224 Q. That continued for some time and then afterward Mr. McCormick did business for Mr. Nash, did he not?

A. He made no loans for him.

225 Q. Did he collect interest?

A. Yes, interest and rents, he had very little interest to collect.

226 Q. What there was to collect he collected?

A. Yes, sir.

227 Q. In your examination this morning you spoke of there being two safes in the vault, one being a burglar proof safe in which Mr. Nash's papers were kept along with other-, and also a regular safe?

A. Yes, sir.

228 Q. What became of those safes?

A. I left them there in the office of the vault

1120 229 Q. Isn't it a fact that you sold those safes to Mr. Nash?

A. No, I didn't sell them to him.

230 Q. Didn't he use them in the conduct of his business after you went away?

A. He must have done so because I left them there.

231 Q. Do you know what ever became of them?

A. I don't know what ever became of them. I don't think I have seen the safes since 1882.

232 Q. Where were they then?

A. They were still in this office—no they were in the office on Fourth street.

233 Q. When Mr. Nash's business was moved from the Coleman Bank building on the corner of Third and Coleman streets to Fourth street these safes were moved there also.

A. Yes, sir.

234 Q. You were not living here at that time?

A. Yes, sir.

235 Q. When these safes were moved?

A. Yes, sir.

236 Q. Who had them moved?

A. That I don't know?

237 Q. You didn't?

A. I did not.

238 Q. Who did those safes belong to?

A. They belonged to Mr. Nash.

239 Q. Did they belong to Mr. Nash at the time you did business for him?

A. I think they did.

240 Q. And they all belonged to him so far as you know, at the time Mr. Wood did business for him?

A. Yes, sir.

1121 241 Q. Mr. Nash was not the only customer you had was he?

A. O, no.

242 Q. You may state whether or not any other customer you had during the period of your brokerage there ever furnished you a safe?

A. No, sir.

243 Q. Mr. Nash was the only one that furnished a safe?

A. Yes, we found the safes in the vault when I took possession.

244 Q. Now, you may state how these loans that you made were secured?

A. By mortgage, all of them, on real estate.

245 Q. You did not make any other kind of loans for him?

A. No, sir.

246 Q. Were there interest notes taken?

A. Interest notes were taken at the time the mortgage was made.

247 Q. Where were the principal notes and interest notes kept?

A. In this safe, small safe.

248 Q. Where were they made payable?

A. At the office of Andress & Wood.

249 Q. To whom?

A. Job M. Nash.

250 Q. At Lafayette, Indiana?

A. Yes, sir.

251 Q. You may state who collected the interest on these interest notes?

A. We did, our firm did during that time.

252 Q. And to whose credit were they entered?

A. Job M. Nash.

223 Q. What would you do with this money?

1122 A. Deposit it in the bank to his credit.

254 Q. In his name?

A. Yes, sir.

255 Q. And to his credit?

A. Yes, sir.

256 Q. You may state whereabouts these deposits were made?

A. Principally at the Fowler national bank.

257 Q. In the city of Lafayette?

A. Yes, sir.

258 Q. All this money was deposited in the city of Lafayette?

A. That we collected for him, yes, sir.

259 Q. When the principal of these notes would become due who would collect them?

A. We would.

260 Q. What would you do with that money?

A. Re-invest it when we had an opportunity.

261 Q. What was done with it until re-invested?

A. It was left in the bank.

262 Q. Where would these mortgages be recorded?

A. Those outside of the county were sent there for record and sent back to us and those in this county were recorded here in this office.

264 Q. Who recorded them?
A. I did.
265 Q. For whom?
A. Job M. Nash and for the other parties whoever they might be. Of course you are talking about Mr. Nash now?
266 Q. You may state if you know when these loans were to be made who viewed the lands offered as security?
A. I did generally.
1123 267 Q. For whom?
A. Job M. Nash.
268 Q. Who passed upon the security?
A. I did.
269 Q. For Job M. Nash?
A. Yes, sir.
270 Q. You commenced this character of money loaning business for Mr. Nash immediately upon the formation of this partnership?
A. Yes, sir.
271 Q. And continued until the partnership was wound up?
A. Yes, sir.
272 Q. Who succeeded you in transacting this business—I believe you stated Mr. McCormick collected the interest; who succeeded him if you know, in the money loaning business in this section with an office in this room?
A. Mr. James Buck.
273 Q. Do you remember at what time he entered upon the discharge of his duties representing Mr. Nash in this capacity?
A. In 1882.
274 Q. And how long did he continue in that employ?
A. Up to the time of his death.
275 Q. Up to the time of Mr. Nash's death?
A. Yes, sir.
276 Q. Now at the time Mr. Buck took charge of this business you may state what you did, if anything, with reference to these safes of Mr. Nash?
A. I simply gave him the combination, showed him the combination of them.
277 Q. And they were turned over to Mr. Buck's care and
1124 custody?
A. Yes, sir.
278 Q. Mr. Nash spent the greater portion of his life, after you knew him, did't he at hotels?
A. Yes, sir.
279 Q. Did you ever know of his living in a house that was fitted up for that purpose?
A. I never did.
280 Q. Is it true that Mr. Nash lived in many different sections of the country during the time you knew him?
A. I only knew him to live at one place and have a home.

281 Q. He existed, I mean, if you want it that way, in different parts of this country?

A. He ruminated around considerably.

282 Q. A great deal didn't he?

A. Yes, sir.

283 Q. Isn't it true he would spend the winter season in the South?

A. Some of them he did.

284 Q. And in California?

A. Yes, sir.

285 Q. And he would spend the heated seasons in the North?

A. Part of them at White Plains, part at Saratoga. His wife was very partial to Saratoga.

286 Q. Isn't it true that there was a very inconsiderable portion of his time spent at any one place?

A. The greater part of his life was spent in New York. There is no question about that, he was there a longer period than in any other one place.

287 Q. How long did you ever know him to stay at one
1125 hotel in New York?

A. The longest recollection I have was at the Grand Central; he was there from 1884 to 1890.

288 Q. And after that time how many hotels did he live in?

A. He went to the Park Avenue and was there until the spring of 1893 when he went South. When he came back in the early part of May he went to some little hotel a little further down below Park avenue, but soon went to the Hotel St. Mark, where he died. I don't think he staid in this little hotel he first went to when he first went back more than a week or ten days.

289 Q. How long a time have you know- him to stay in California?

A. I never knew of his being there only on two visits and then I don't think he was gone to exceed two months from the time he started until he came back.

290 Q. He spent some of his winters in Florida?

A. Yes, sir.

291 Q. How long a time did he spend in Florida?

A. I don't think he was ever in Florida to exceed two months.

292 Q. How long a time in the summer season have you know-him to spend in summer resorts?

A. Six weeks to two months.

293 Q. That occurred every summer didn't it?

A. Almost every summer.

294 Q. You may state, if you know, who paid McCormick for his services?

A. We paid him during our term up to the first of November, 1879.

1126 295 Q. Who paid him after you went out of business and during the time he remained in the transaction of Mr. Nash's business?

A. I presume Mr. Nash did. I don't know who paid him. I knew he paid him up to the first day of November, 1879.

296 Q. How long did he continue with Mr. Nash in the discharge of his business here?

A. Until July, 1882.

297 Q. Who paid the office rent where these safes were kept?

A. We did; the firm did.

298 Q. Up to what time?

A. The first day of November, 1879.

299 Q. Who paid it after that?

A. I don't know; I have no knowledge of that.

300 Q. How long did these safes, and how long did Mr. McCormick remain in the Coleman Bank building after you went out?

A. I can't state exactly. It could not have been but a short time.

301 Q. About how long?

A. It may have been a year. I don't think it was that long.

302 Q. You did not pay any rent after you went out of business?

A. After the first day of September, 1879.

303 Q. What did Mr. Nash pay you for your services transacting his business?

A. Nothing whatever. We made our commission off the borrower.

304 Q. What did he pay you for the collection of rents?

1127 A. Nothing. He never paid me a dollar nor the firm.

305 Q. What did he pay you for looking after his insurance?

A. Nothing only in the premium.

306 Q. Did you carry insurance in your agency?

A. Yes, sir.

307 Q. The only recompense you received for any service was commissions made on loans for him?

A. Yes, sir.

308 Q. What portion of these commissions did Mr. Nash receive, if any?

A. None whatever.

309 Q. At no time?

A. At no time.

310 Q. What arrangement had you with Mr. Nash with reference to your transacting the other business he had here aside from the money loaning business?

A. We had no arrangement whatever. We were simply looking after it for the sake of having his money for the purpose of loaning it and making our commissions out of the borrower.

311 Q. You did other business besides loaning money for him?

A. We looked after his farms and collected his rents. He afterwards got Mr. Buck to look after his farms and collect his rents.

312 Q. Didn't he pay you anything?

A. Never a dollar did Job Nash pay me for any service whatever directly or indirectly.

313 Q. There was never anything said about compensating you for looking after his farms?

A. Nothing whatever.

1128 314 Q. You did look after the improvements on the farm for him?

A. Yes, sir.

315 Q. You looked after the tenants?

A. Yes, and collected the rents and sold the products, or his share of them.

316 Q. How many farms did he have in this community during any of the time?

A. Up to the time of my leaving the business I don't think he had to exceed four that I had any charge of. Mr. Buck came in about the time he was getting these farms and took that business off my hands entirely, so I had nothing to do with the farms.

317 Q. Do you think at the time you were transacting his business he had at least four farms do you?

A. Yes, sir.

318 Q. Where were they?

A. In this county all of them.

319 Q. How large were they?

A. The largest one was the Virden farm down here of 311 acres, I think. There was one out here called the Black Oak farm, out near the fair ground 132 acres. There was another of 80 acres that laid right on the Ninth Street road just below the fair ground and the Ball farm of 160 acres.

320 Q, You employed and discharged the help on this farm?

A. No, sir, just simply rented it to a man on grain rent.

321 Q. You let the farm to tenants from time to time?

1129 A. Yes, sir.

322 Q. And looked after the grain rent due Mr. Nash?

A. Yes, sir.

323 Q. And had it sold in the market?

A. Yes, sir.

324 Q. And received the money frequently therefrom?

A. Yes, sir in all cases.

325 Q. What did you do with that money?

A. Put it to Mr. Nash's credit on the books and deposited it in the bank to his credit.

326 Q. What would become of the money afterwards?

A. We left it there and if we had any loans we would loan it.

327 Q. You re-invested it?

A. Yes, with the other money.

328 Q. You may state how many farms Mr. Nash had in this State after Mr. Buck became his business manager?

A. I have no knowledge of how many he had.

329 Q. Have you any knowledge of any?

A. I have knowledge of those up to the time I quit; there were four.

330 Q. You stated a while ago that after Mr. Buck commenced doing business for him he bought additional farms?

A. No, he did not buy them; he took them on foreclosures.

331 Q. He got them?

A. Yes, sir.

332 Q. How many to your knowledge did he get?

A. he may have had fifteen or sixteen about that time.

1130 333 Q. Where were they?

A. Principally in this county. Some in Montgomery—I know of one there and some in White.

334 Q. What is the fact about Mr. Buck looking after the conduct of these farms in the same manner you have those he had when you were in charge of the business?

A. Yes, he did so.

335 Q. You may state, if you know, where Job Nash's will was probated?

A. In Hamilton county, Ohio, at Cincinnati.

336 Q. You may state what is a fact of your having a power of attorney from Mr. Nash?

A. I had a power of attorney from Mr. Nash from the 4th day of January 1874 until the 9th day of January, 1881.

337 Q. That was a general power of attorney?

A. Simply to discharge mortgages when fully paid.

338 Q. And to receive the moneys in discharge of the mortgages?

A. There was nothing said with reference to that in the power of attorney, it simply gave me power of attorney to release all mortgages on the record when fully paid and to satisfy them on the record.

339 Q. You may state what was said to you by Mr. Nash with reference to the loaning of this money and what authority he gave you for that purpose?

A. Simply that we should continue the same as Mr. Wood had done, continue keeping this money right there and loaning it so that it netted him his per cent., and we must make our com-

1131 pensations out of the borrower by way of commissions, and these loans his money was furnished for were all to be made in his name and recorded in his name and for that purpose he gave me the power of attorney to discharge them when they were fully paid and to discharge them on the record. That made us a very nice little living.

340 Q. What direction did he give you with reference to moneys collected in his name?

A. To deposit them in the bank subject to his check and in his name.

341 Q. What was said about your authority to re-invest these moneys?

A. That whenever we had money enough on hand to take a loan we should do so. We should make loans whenever we had money enough there to make a loan again on good and approved security.

342 Q. How would you get this money out of the bank?
A. By check.
343 Q. Whose check would you use?
A. There was a little controversy came up about that matter. Mr. Nash wanted me to sign the checks.
344 Q. When was that?
A. When we first began in 1874.
345 Q. You re-organized in 1873?
A. In 1873 we organized. We had not got down to it until right after the first of January, 1874. When Mr. Wood died Mr. Nash happened to be right here at the time and it was necessary to appoint an administrator for his estate and Mr. Nash just took me down and had me appointed administrator. Nat and I had formed this partnership and Nat took umbrage to the fact that I had been appointed administrator, so when this matter came up I said to Mr. Nash "Don't ask me to sign your checks." He
1132 said, "I don't want Nat to do it." I said, "Rather to have any further friction you had better authorize Mr. McCormick to sign the checks." So — that understanding the only thing Mr. McCormick had to do was to sign the checks Job M. Nash, per James McCormick, and an arrangement was made with the bank to honor no check unless it was written in that way. Otherwise I would have had to sign the checks.
346 Q. Mr. Nash's name was signed to the checks?
A. Yes, per James McCormick in every instance.

The further hearing of these deposition- is here adjourned Friday, April 5, 1901 by agreement of the parties until Tuesday morning April 9, 1901 at 10 o'clock.

LAFAYETTE, IND., April 9, 1901—10 o'clock a. m.

Parties met pursuant to adjournment and the taking of said depositions continues as follows:—

EDGAR H. ANDRESS re-called by the defendant and testifies as follows:

Questions by Judge LANGDON, counsel for defendant:

347 Q. Who was Aunt Tiny?
A. She was Miss Caroline L. Nash, generally known around the family as Aunt Tiny. She was Mr. Nash's sister.
348 Q. Now was any note or mortgage or other obligation belonging to Mr. Nash ever sold or transferred or mortgaged or pledged, or delivered or otherwise used in any business in Indiana other than the execution of such paper and to receive payment of or on the same?

1133 . It is agreed by the parties that objections that may be made during the taking of these depositions may be made in court as in the manner provided for the taking of depositions, and that no

objections will be waived by failure to object at the time the question is asked the witness.

A. There was none. Never was.

349 Q. State what was done with any such paper or obligation of Mr. Nash up to the time these matters were turned over to Mr. Buck in August or July 1882, and from the time you organized your firm?

A. I don't know as I understood that question.

350 Q. (Last question read to the witness.)

A. They were simply kept by us and when a mortgage was paid off that was the end of it. There was nothing else ever done with that in any way at all.

351 Q. What reports or information was made or given in Indiana to any one of the making of any loans or business of or for Mr. Nash outside of Indiana from the time your firm organized up to the time Mr. Buck took control of matters in August or July, 1882?

A. Never was any reports made.

352 Q. You say Mr. McCormick drew checks on Mr. Nash's bank account in Lafayette, if that be true you may state by or under whose instructions, if any one's he did it, if you know.

A. It was by special agreement between Mr. Nash and my-
1134 self that Mr. McCormick should sign all the checks on his money in the bank.

353 Q. Where?

A. In Lafayette, Indiana for our transactions; whenever I got a piece of paper which was all right I presented it to Mr. McCormick and he drew a check and for any bills or any little things of that kind upon my presenting them to him it was to be checked. Mr. Nash said, "Now as Mr. Andrus wants it this way and will sign the checks at his instance and his instigation and his order."

354 Q. You said something about a small safe and a big safe, what do you know about the large safe?

A. When I went into the office in August, 1873 on August 1st there were two safes in the vault. I understood that one had been sent by Mr. Nash to Mrs. Wood as a house safe. It was finished in oak, oak finish, it was this antique oak, making it look, like a piece of furniture. She refused to take it; she didn't want it in the house at all. It was too large and bulky and her husband then took it to the office and put it in the vault. The other little safe was there. The two safes were in the vault at the time. It was always spoken of, talked of whenever any reference was made to it, it was called the house safe, the big one.

355 Q. What did you ever hear Mr. Nash say about safes?

A. He never alluded to safes and I don't think there was ever any word of conversation between us with reference to safes.

356 Q. In answer to a question put to you on Friday you
1135 said on one occasion Mr. Nash came here and that you said to him, "I am glad that you have come to see me."

A. I didn't make any such remark as that. I said I was glad to see him again; didn't come to see me any more than he come to see a grasshopper. On meeting him the second time I said, "I am very glad to see you again Mr. Nash."

357 Q. How many times if you know, did Mr. Nash go South in the winter during the time you knew him?

A. I don't think altogether to my knowledge he was South over six or eight times in the winter.

358 Q. State the fact if his wife accompanied him or no?

A. She did to my knowledge twice.

359 Q. What do you know about his going the other times alone that you speak of?

A. He went alone most always, but on two occasions I know she accompanied him. She remained at home there in New York, at their home.

360 Q. You say, as I understand you, he went to California twice; when was it, if you recollect?

A. The most particular time I remember was in 1876.

361 Q. Who went with him then?

A. His wife accompanied him on that visit.

362 Q. Did he make any other trip to California or not?

A. He made another. I remember his making two trips to California; one in 1876, I remember distinctly his wife was with him.

363 Q. Where was his wife?

A. She was in New York, at her home there, hotel.

364 Q. When did Nash cease to make loans, if he did, in 1136 Indiana, during the time that your firm was organized?

A. He told us to cease making loans in the early part of 1878, along in April or May some where, along in there.

By Mr. WOOD, counsel for plaintiff:

365 Q. When Mr. Nash told you to cease making loans in the early part of 1878, did you cease?

A. Yes, sir.

366 Q. Wasn't there any more made after that?

A. I think none; there were no new loans made; there may have been a renewal or something of that kind made.

By Mr. LANGDON, counsel for the defendant:

367 Q. You are speaking now with reference to the life time of your firm?

A. Yes, of course that is the only time I can speak of.

By Mr. WOOD, counsel for plaintiff:

368 Q. In addition to Mr. Nash loaning money here, he would also sell paper wouldn't he?

A. Not to my knowledge did he ever sell a piece.

369 Q. Isn't it true that during the time that Andress and Wood were looking after his business that he sold paper?

A. No, sir, I have no knowledge of the sale of any one piece of paper in all that time.

370 Q. Nor any assignments or mortgages?

A. No, sir.

371 Q. You spoke the other day about the fact of your having power of attorney to release and satisfy mortgages when they were paid off; I will ask you if this is not a fact that Mr. McCor-
1137 mick had the same character of power of attorney?

A. Not while I did.

372 Q. After you were?

A. Yes, when my power was revoked his was made I think the same thing as mine; I don't know as I ever saw his power of attorney.

373 Q. Upon reflection have you now any personal judgment with regard to the volume of yearly business transacted by Mr. Nash, or through your firm, during the time of its existence?

A. No, sir, I have not; I haven't thought the matter over at all; I have not thought of that part of it at all.

374 Q. All the time that your firm was in existence you not only loaned the money of Mr. Nash, but you also looked after the farms he had then?

A. Yes, sir.

375 Q. And what other transactions he had in this town the same as you did after his loans?

A. Yes, sir.

376 Q. Isn't it true that many of these mortgages during the time you and Mr. Wood were in partnership were released by Mr. Nash in person?

A. I have no knowledge of any one *of any one* of them after he gave me the power of attorney.

By agreement of parties the further taking of these depositions is adjourned at noon, Tuesday, April 9, 1901, until Thursday, April 11, 1901, at 10 o'clock a. m., at which time the parties met and the further taking of these depositions on the part of the defendant is continued as follows:

1138 JAMES BUCK, being first duly sworn, testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. Please state your name, age, residence and business.

A. My name is James Buck, I am 67 years old, I live in Lafayette, Indiana and I am engaged in the real estate and loaning business.

2 Q. How long have you lived in Lafayette, Indiana?

A. I moved into Lafayette the last days of March, 1883.

3 Q. Where did you live before that?

A. I lived down on the Wea Plain in this county on a farm.

4 Q. Are you a farmer?
A. Yes, sir.
5 Q. Were you then?
A. I was and a pretty good one I think.
6 Q. Were you acquainted with Job. M. Nash?
A. I was.
7 Q. When did you first become acquainted with him?
A. I first became acquainted with Mr. Nash in June, 1879.
8 Q. Where?
A. In the Coleman Bank building, in Lafayette, Indiana.
9 Q. How long did your acquaintance with him continue?
A. Until his death.
10 Q. Did you ever have any business relations with him?
A. Yes, sir.
11 Q. When was the first time approximately?
A. It was in June, 1879, that was the commencement.
12 Q. What was your employment or business with him at
1139 that time?
A. Mr. Nash employed me to look after a number of farms he had in this and adjoining counties.
13 Q. How long did you continue in that business?
A. Well, that was a part of my business with him until his death.
14 Q. Did you receive a compensation from him for these services?
A. I did, yes, sir.
15 Q. The particular employment that you now speak of, how long did that employment made at that time continue without any additions or alterations?
A. To looking after Mr. Nash's farms continued until either July or August, 1882.
16 Q. What were you to do and what did you do under that employment?
A. I rented his farms, collected the rents, sold what grain there was on them and paid the money into the hands of James McCormick.
17 Q. Who when you first came into this employment was acting for Mr. Nash in Indiana, if any one?
A. I understood it was Andress & Wood or Andress rather, Wood having died.
18 Q. That I understood was the extent of your first employment?
A. Yes, sir.
19 Q. Did you receive another employment from him after that?
A. I did.
20 Q. When was it?
A. It was in July or August, 1882.
21 Q. Where?
1140 A. Lafayette, Indiana.
22 Q. Who from?

A. From Mr. Nash.

23 Q. In person or by letter?

A. In person.

24 Q. What was the nature and character of the employment?

A. It was to take charge of his matters here and close up his business.

25 Q. Are you speaking of Indiana?

A. I am speaking of Indiana.

26 Q. What were his matters that you speak of?

A. Well, he had a number of houses and lots here in the city; he had quite a number of farms in this and adjoining counties and had a few small lots.

27 Q. Well, what did you do about these farms or lots; what were you to do and what did you do?

A. I rented the real estate, collected the rents, looked after insurance and repairs and sold it off as fast as I could.

28 Q. What did you do with the money?

A. I deposited the money when it came into my hands to his credit in the bank, the Fowler national bank at that time.

29 Q. What other duties did that employment cast upon you, or did you assume or take up besides what you have mentioned?

A. Nothing at that time.

1141 30 Q. Did you have any charge of looking after any insurance of repairs of any of his property?

A. Yes, I did; I looked after it.

31 Q. Who drew any money that you say was deposited in the bank?

A. I had authority to check on Mr. Nash's account for money to pay anything necessary to be paid in running his business.

32 Q. State what he said and did with reference to that matter, if he said and did anything?

A. He went with me to Mr. Fowler's bank and gave orders to Mr. Fowler to honor my checks on his account.

33 Q. Did you work for a compensation or not?

A. I did.

34 Q. By the month, day or year, or piece or how?

A. Well, by the month.

35 Q. Where did you live during the time of your first employment, during all that time?

A. I lived on the farm.

36 Q. Where was that?

A. Wayne township in this county, Tippecanoe county.

37 Q. And when did you leave that farm and where did you go?

A. After I took charge of the first matters.

38 Q. When do you mean by that?

A. In July or August, 1882. I lived on the farm until the last days of March, 1883, when I moved to the city with my family and I have lived here ever since.

39 Q. What place of business did Nash have during the time of your first employment or second in Indiana?

1142 A. When I was first employed by Mr. Nash there was an office in the Coleman Bank building; I don't know who paid the rent, or anything about it at that time.

40 Q. Well if there was any other place where any of his business was carried on in Indiana you may state it?

A. Some time afterwards; I don't know what time; probably within a year I would say McCormick moved over to the Stockton building, just back of the Fowler national bank; I think it is No. 43 Fourth street, in Lafayette, Indiana.

41 Q. At what other place was any of his business transacted in Indiana besides these two you have mentioned?

A. Well, after having been there for some years—I disremember how many—we rented an office on the corner of Columbia and Third, in the Coleman Bank building.

42 Q. The same building you spoke of before?

A. The same building, but a different room.

43 Q. Was there any other place besides these three you have mentioned?

A. No, sir.

44 Q. How long did you continue under his employment under and pursuant to the arrangement you made in August or July, 1882?

A. Up until the time of his death.

45 Q. When was that?

A. July 19, 1893.

46 Q. Where did he die?

A. He died in the city of New York.

1143 47 Q. What sign did Mr. Nash have, or was there in Indiana, or was there about his business?

A. He never had any.

48 Q. What letter heads did he have?

A. He never had any.

49 Q. What bills or statements having his name on or his business?

A. Nothing of the kind.

50 Q. What card did he have, if any, that you know of?

A. He had none that I ever seen.

51 Q. Did you ever hear of any?

A. I never heard of any.

52 Q. How did it happen you took the second employment you speak of in July or August, 1882?

A. Mr. McCormick became sick and troubled with his head and he said to me he was unfitted for business and that he thought Mr. Nash ought to know it and I telegraphed Mr. Nash to come out here and he came.

53 Q. How soon afterwards did he come?

A. Two or three days, as soon as he could get away.

54 Q. When was this?

A. This was in July or August, 1882.

55 Q. I understand you to say Mr. Nash was here when you took possession?

A. Yes, sir.

56 Q. The second employment?

A. Yes, sir.

57 Q. What did he say to you on that occasion about your employment?

A. Well, the old gentleman found out the condition Mr.
1144 McCormick was in, and that he was unfitted for business and he was very much worried and did not know what he was to do. He didn't know anybody that he could employ that he would like to employ that he would trust in his office and I said to him that I could look after the office until he could find somebody, but he said he wanted somebody that could keep accounts, keep account of everything.

58 Q. What things?

A. Books in his office.

59 Q. What was the business?

A. Receiving the money that I was paying in from the farms and attending to any other business that might come up.

60 Q. What other business, other than that?

A. Well he was looking after these houses and lots he had in town.

61 Q. What other business were you to look after or keep account of other than the business you have spoken of heretofore that you were to do?

A. Nothing at that time.

62 Q. You may state whether or not it was about this time that Mr. Nash went to the bank with you about the checks?

A. Yes, after he and I had made an agreement that I was to remain in his business he went to the bank and told Mr. Fowler I had the privilege of drawing checks on his account.

63 Q. What did he say, if anything when he employed you about loaning any money?

A. He said he was not loaning any money, that he was
1145 closing up his business and I want you, he says, to sell off these farms and these houses and lots here in town. Whenever you can get my money out of them that I have got in them, sell them. That was about the instructions he gave me.

64 Q. Where was it that he employed you?

A. In the office right back of Fowler's bank.

65 Q. What books or papers of any kind, or other property did he turn over to you at that time, if any?

66 A. He really turned over nothing; I had the books Mr. McCormick had turned over to me before he went out home.

67 Q. How long before that?

A. Probably a couple of days in the office in this city, Tippecanoe county.

68 Q. Did he deliver to you any promissory notes, mortgages, bonds, certificates or other obligations, did Mr. Nash hand you over any?

A. No, sir.

69 Q. Were these papers and books you say that were in the office, were they all in any particular place in the office?

A. Yes, they were in the safes in the office; there was a vault with two safes in it.

70 Q. Did you have access at that time to the vault and these safes?

A. Before Mr. McCormick went home he gave me the combination to the vault and the combination to the large safe.

71 Q. That is two days before he came home?

A. Yes, about two days before Mr. Nash come here.

72 Q. You speak of another safe; when did you, if you did, 1146 and from whom did you receive the combination to the lock on that safe, if there was any, and if there was any combination.

A. I received the combination to that safe from Mr. Andress.

73 Q. When?

A. I cannot state just when; I don't remember whether it was before Mr. Nash come or after, but Mr. Andress gave me the combination, wrote it down for me, either he wrote it down, or he had it in his pocket that he had been carrying for his own convenience and gave it to me in writing; any how I got it in writing.

74 Q. You may state whether you opened the safe with him there, the small one?

A. I did, I went to the safe and opened it.

75 Q. Was there any other property turned over to you that you took possession of except this vault and safe and any papers or books that were in there?

A. The books were in the vault; there was quite a number of insurance policies on houses here in the city and on houses in the country; there was a few small lots and quite a number of farm leases and leases on city property here in the city.

76 Q. Did you examine the books and papers belonging to Mr. Nash that were turned over to you; did you examine them and see them?

A. I did.

77 Q. At that time?

A. Yes, sir.

78 Q. I understand you to say Mr. Nash did not deliver to 1147 you any book or paper?

A. Well, I found those papers.

79 Q. I mean he did not physically?

A. He did not deliver me anything.

80 Q. Where did you find these papers and books other than in this vault and these safes you speak of?

A. I found them all in the vault, what few notes there were and insurance policies and the leases were in the safes.

81 Q. Did you find any promissory note or mortgage or any bond or certificate, stock payable to or belonging to Mr. Nash?

A. I did.

82 Q. Did you find notes and mortgages?

A. I found some notes and mortgages.

83 Q. Did you find any bond or bonds?

A. Yes, there was a bond in there—no, it was not a bond, it was a thousand dollars' worth of stock in the La Fayette, Muncie & Bloomington Railroad Company.

84 Q. What was it worth then, if anything?

A. It wasn't worth anything.

85 Q. What has it been worth since?

A. It has never been worth anything since.

86 Q. Where was that railroad?

A. It runs through this city.

87 Q. From where and to where?

A. It was the road that the county gave $373,000 to get built here and the old man kicked a great deal on it and they gave him this stock; that was about the size of it.

88 Q. I am asking you now where the road run, between
1148 what points if you know?

A. I understand it runs from Sandusky——

89 Q. At that time, it was from Lafayette to Muncie, was it?

A. From Lafayette to Muncie or Muncie to Lafayette and Bloomington.

90 Q. That was another road at that time, wasn't it; where was their offices?

A. At that time their offices were in the Coleman Bank building.

92 Q. Was there any other certificates of stock that you found?

A. No, sir.

93 Q. Was there any bond of any sort or description?

A. No, sir.

94 Q. Was there any promissory note or bond belonging to, or paper, to Mr. Nash, but payable outside of Indiana that you found there, or was delivered to you or you took possession of?

A. There was none.

95 Q. Was there any other certificate of stock than you have mentioned that you found or received or had possession of belonging to him?

A. No, sir.

96 Q. Was there any mortgage on land situated outside of Indiana that you had or received belonging to him at that time?

A. There wasn't any.

97 Q. I understand you to say that you continued in this employment for Mr. Nash until July 19, 1893, when he died?

A. Yes, sir.

1149 98 Q. Was any one else acting for him during this time from July or August 1882 to the time of his death?

A. Not in anything.

99 Q. Did any one assist you in the discharge of his business, employed by him in and about his business that you were conducting for him in Indiana?

A. No, sir.

100 Q. Who, if any one else than you, was agent for Mr. Nash or looked after his farms in Indiana from July 1882 to July 1893, when he died?

A. No one.

101 Q. Who else than you ever had the custody or possession of any promissory note or mortgage or other obligation of Mr. Nash in Indiana?

A. No one.

102 Q. Was any promissory note payable to or belonging to Mr. Nash dated or payable outside of Indiana, in Indiana during the time you were in Mr. Nash's employment?

A. Yes, sir.

103 Q. When was the first time during you- employment such a note was in Indiana?

A. It was either in the fall of 1883 or the spring of 1884.

104 Q. When was the first time during your employment with Mr. Nash was there any mortgage securing your promissory note in Indiana, if there was?

A. It was either in the fall of 1883 or the spring of 1884.

105 Q. Were the mortgages on lands or not?

A. They were on lands.

106 Q. Where were the lands located or situated?

1150 A. In the State of Ohio.

107 Q. From whom did these notes payable outside of Indiana and these mortgages on lands outside of Indiana come to you, or how did you come to get possession of them?

A. W. A. Goodman of Cincinnati, Ohio, sent them to me, William A. Goodman.

108 Q. How did he send them to you?

A. They would either come by mail or express, principally by express.

109 Q. After the first time you received such notes and mortgage payable and on lands outside of Indiana, did you receive or have possession of either of such notes and mortgage or any of them?

A. Yes, I continued to receive such notes and mortgages.

110 Q. From whom and to what time?

A. From Mr. Goodman up to the time of Mr. Nash's death, or until the year of his death.

111 Q. Where are those notes and mortgage that you say you received?

A. I returned them to Mr. Goodman.

112 Q. Did you examine or read them?

A. I did.

113 Q. These notes that you say you received from Mr. Goodman, where were they dated and made payable?

A. They were dated in Cincinnati and made payable in a bank at Cincinnati.

114 Q. Did he send you any promissory notes dated at any other place and payable at any *to*her place than Cincinnati, Ohio?

A. He never did.

1151 115 Q. Did you state where, if you have not you may, where the lands were located on which these mortgages were given?

A. The State of Ohio.

116 Q. Did you receive any mortgages from him upon any lands in any other place than in the State of Ohio?

A. No, sir.

117 Q. Did you receive any mortgages from him upon any other property than real estate; was it all on real estate?

A. Yes, sir.

118 Q. Was it on real estate at the time you received it; how was that?

A. It was all on real estate.

119 Q. Did you receive any notes belonging to Mr. Nash, or payable to him and payable outside of the State of Indiana from any other person than Mr. William A. Goodman, of whom you have just spoken?

A. No, sir.

120 Q. Did you receive any mortgage on lands situated outside of the State of Indiana except from him, and if you did you may state from whom?

A. I did not unless at a time when Mr. Goodman would be in Europe. The officers of the bank might at some time or other have sent me a mortgage.

121 Q. Were they agents for Mr. Nash?

A. No, sir.

122 Q. Who was the agent, if you know, for Mr. Nash?

A. Mr. Goodman.

1152 123 Q. Who else?

A. Nobody.

124 Q. Who else was associated wit him?

A. No one.

125 Q. I understand you to say that they were all received either by mail or by express.

A. Yes, sir.

126 Q. Did you ever receive any bond from Mr. Goodman or any one else, payable outside of the State of Indiana, belonging to or payable to Mr. Nash?

A. I never did.

127 Q. *I never did.*

128 Q. Was there any such bond ever in the State of Indiana during the time you were in his employ?

A. No, sir, not in my hands.

129 Q. Or in any one else's that you know of?

A. Not that I know of.

130 Q. Was there any certificate of stock except the one you have mentioned?

A. No, sir.

131 Q. I am speaking now of any certificate of stock issued by any corporation or body or payable outside of the State of Indiana?

A. I never received any.

132 Q. Was there any here?

A. No, sir.

133 Q. The mortgages you say you received, you may state what notes or obligations they secured, if any?

A. I don't understand the question.

134 Q. (Last question read to witness.)

A. Well, I couldn't tell what notes they secured.

1153 135 Q. The mortgages that you say you received, did they secure any note or obligation?

A. Yes, sir.

136 Q. Did they secure any note or obligation other than those you say you received from Mr. Goodman?

A. No, sir.

137 Q. Now how did it happen that these notes payable and dated in Ohio and the mortgages securing them were sent to you?

A. After I come into Mr. Nash's employ he used to visit me about twice a year; he would generally come to Cincinnati and then come up here. When he would come up here he would have his bank book, or pass book it is called, what we all use when we make a deposit in the bank, he would bring it to me and ask me to figure it over and see if it was figured up right; I did it for a time or two, possibly twice and I asked him what was the object of this and he said I want to see if Mr. Goodman is crediting me down there; I said "This don't show it, you can't tell it from this book." "I would like to know why," he said, and I said "This is simply a duplicate of their bank book, you can't tell from it," in other words whether he has given you credit with all the collection he has made for you or not, and I suggested to him that the proper way for him to do, that was to have Mr. Goodman send me a memorandum of all the loans he had made for Mr. Nash and then for Mr. Goodman to report to me the collections he would make and then when he come out with his bank book we could check over and see if he had

1154 collected from all the loans he had to collect on. The result of this conversation was that Mr. Nash ordered me to have a memorandum book made or rather register, as I would call it, and he said he would have those loans all sent up here and have me make a memorandum of them for that purpose.

138 Q. For what purpose?

A. For the purpose of getting them into a memorandum so that we could check over to see whether Mr. Goodman had given him credit with all the collections upon all the loans he had made for him.

139 Q. Whether they appear in this bank book or pass book you speak of?

A. That is it.

140 Q. What other object or purpose was there in having them sent here?

A. Well, they were sent here, Mr. Goodman sent them.

141 Q. This conversation you say you had with Mr. Nash was that before of after some of the notes had been sent here?

A. It was all before any note had been sent here.

142 Q. Had any Ohio note or any notes payable in Ohio, or dated in Ohio, or any mortgage in Ohio land, been here prior to that time?

A. No, sir.

143 Q. Now you may state when this conversation was?

A. Well I have stated it as near as I can; possibly it was a year after I went into his employ; that is as near as I can get at it.

144 Q. Where was it?

1155 A. In the office back of the Fowler national bank in Lafayette, Indiana, Tippecanoe county.

145 Q. Now what, if anything, did Mr. Nash say that he would do?

A. He said he would have Mr. Goodman either send me a memorandum of the loans, or he would have the loans sent out here so I could make a record of them, that he would talk to Mr. Goodman about it and the result of the matter was Mr. Goodman sent the mortgages up here.

146 Q. Did he send all of them at one time?

A. No, sir.

147 Q. What did he send you the first time?

A. I don't know what he sent me the first time.

148 Q. Was it one mortgage or note, or two?

A. Probably two or three, maybe four or five mortgages come the first time.

149 Q. Did he send a memorandum?

A. No, sir.

150 Q. What did you do when you received them?

A. At Mr. Nash's orders I had ordered a book in which I could make a memorandum of these loans when they come.

151 Q. What do you call these loans?

A. These Cincinnati loans, loans by Mr. Goodman.

152 Q. You mean the papers sent by Mr. Goodman.

A. Yes, sir.

153 Q. Did you do it?

A. I had it made but there was a batch of loans came before the book was done; there was an old memorandum book in the office

that had been used by Andress & Wood that had a few pages,
1156 probably two or three pages in it blank yet, unused yet, it was full with the exception of two or three blank pages and when they come, this other book not being done, I recollect recording a very large loan in the back part of this old register.

154 Q. Now tell me what you put in the register; did you copy these papers in full or not?

A. No, sir I would put down the date of the note and mortgage; there was a line showing what time the mortgage fell due.

155 Q. What did you do with it?

A. I put it down just in that way, showing where it was from, put down the amount of the principal note and following down along the interest notes.

Objected to by the plaintiff on the ground that the book itself is the best evidence.

156 Q. You may state what became of that register?

A. I would like to make a statement when I get into that.

157 Q. What became of that register?

A. It was destroyed; you are speaking of the old register?

158 Q. Yes, what became of it?

A. It was destroyed.

159 Q. How and when?

A. It was burned up.

160 Q. When approximately?

A. My recollection is that it was in the fall, the night of the election in 1895; I believe it was 1894 or 1895, 1895 I think; it was the night of some fall election I know.

1157 161. Q. Now tell what you entered there in the old book?

A. There was a large loan of $30,000 made to the Ohio lodge it was called.

162 Q. How did you enter it?

A. Just as I told you; I put down the date of the note and the mortgage, the time when it was due and following along were the interest notes and the place where payable; that is all.

163 Q. What notes and mortgage did you enter in that old book, how many?

A. Only that one.

164 Q. Did you enter any other mortgage and notes other than that in that old register?

A. I did not.

165 Q. Was the other register you speak of completed or made and delivered to you?

A. It was a few days after this.

166 Q. Did you use the new register?

A. I did.

167 Q. How long did you continue to use them?

A. Up until the year of Mr. Nash's death, in 1893.

168 Q. What is the fact of your using them so long as there was any business of his before his death, in Indiana?

A. I did use it.

169 Q. When you received the notes and mortgages and papers from Mr. Goodman, as you have stated, what, if any thing, did he say to you about keeping them?

A. Mr. Goodman wrote me——

Objected to by the plaintiff on the ground that the letter is the best evidence.

1158 170 Q. Is the letter destroyed or in existence?

A. The letter is destroyed.

171 Q. Tell what he said in the letter.

Objected to by the plaintiff on the ground the letter is the best evidence.

A. He wrote me I had better keep those loans he was sending out.

172 Q. What do you mean?

A. I mean those notes and mortgages that he sent me.

173 Q. What did he say about it?

A. At the end of each month to send to him the notes that would be due for the coming month.

174 Q. Did you do it or not?

A. I did.

175 Q. How long did you continue to do so, if you did?

A. Up until the year of his death.

176 Q. Up to the time he died or the year?

A. I said up to the year of his death.

177 Q. You didn't send any back in the year of 1893 then?

A. Yes, sir.

178 Q. Do I understand you to say that you sent them back up to the time of his death?

A. Yes, whenever they were due.

179 Q. When you received them, as you state, what did you do with them?

A. I made a memorandum of them.

180 Q. Then what did you do, if anything?

A. I put them back in the envelope, laid them away in the burglar proof safe inside the vault.

181 Q. State whether or not the safe was locked.

A. It was.

1159 182 Q. Was that the case all the time or only part of the time except when you opened it?

A. It was always locked unless I opened it.

183 Q. You may state whether you always yourself after receiving them and making a memorandum, whether you always yourself put them in this burglar proof safe or small safe?

A. I always did that.

184 Q. When and upon what occasions were they removed from that vault and by whom?

A. As I said before just previous to the first day of the coming month I would look over my memorandum book and make a list of all the paper that was falling due for the coming month and I would go to this burglar proof safe and take out this paper——

185 Q. What paper?

A. These interest notes, or any principal note, mortgage note, that would be due for the coming month and I would send it to Mr. Goodman.

186 Q. How?

A. Generally by express.

187 Q. And at other times how?

A. By mail.

188 Q. Any other way than these two ways?

A. No, sir.

189 Q. If they were taken out of this safe after you put them in there at any time except for the purpose, and at the time when you returned them to Mr. Goodman, as you have stated, tell it?

A. Well there was a time when I took them out; I had instructions from Mr. Nash every year on the last days of March to send all the principal notes to him in care of Mr. Goodman of Cincinnati.

1160 190 Q. If they were returned you may state the fact?

A. They were returned.

191 Q. By whom?

A. Mr. Goodman.

192 Q. What did you do with them?

A. Put them back into the safe.

193 Q. Which safe?

A. This burglar proof safe inside of the vault.

194 Q. Then what did you do with them; did you leave them there or take them out, or do any thing else with them?

A. I left them there until the time came round to the end of the month again to send those that would be due the following month to Mr. Goodman in Cincinnati.

195 Q. Were they sent to any one else other than you have stated?

A. No, sir.

196 Q. Who else had possession or control or custody of the mortgages and notes that you say you received from Mr. Goodman, in Indiana besides yourself?

A. No body.

197 Q. At no time?

A. No body at any time.

198 Q. Did you ever deliver them, or any of them, to any one in Indiana during the time of your agency except to mail them or express them as you have stated?

A. I never did.

199 Q. If you or anyone else ever pledged them or any one of them at any time you may state the fact?

A. I never pledged one of them and nobody else ever could
1161 because they couldn't get them to pledge.

200 Q. Did anyone ever talk to you about buying them, or trying to buy them, or get possession of them?

A. No, sir.

201 Q. Did Mr. Nash ever have them in his possession in Indiana?

A. No sir, they were in my possession.

202 Q. Who had superior control or power or direction over these notes and mortgages other than yourself?

A. Mr. Goodman and Mr Nash both.

203 Q. What power had Mr. Goodman?

A. Mr. Goodman had the right to order them down there at any time that he wished.

204 Q. Did he?

A. He did.

205 Q. Did you comply with it or not?

A. Always.

206 Q. What else had you to do with these notes other than what you have stated?

A. Nothing.

207 Q. Was any money paid on any of these notes and mortgages sent to you by Mr. Goodman, or any note or mortgage or obligation belonging to or payable to Mr. Nash outside of the State of Indiana, paid in whole or in part to you?

A. Never.

208 Q. Or in Indiana?

A. Never was.

209 Q. Where were they paid, if they were?

A. They were paid in Cincinnati, Ohio.

210 Q. What was done with the money, if you know, that
1162 was paid or received on account of any one of these Ohio notes or mortgages?

A. It was deposited to the credit of Job M. Nash in the National Lafayette bank, Cincinnati, Ohio.

211 Q. Was any of it sent here to Indiana?

A. No, sir.

212 Q. Who was William A. Goodman?

A. He was the president of the National Lafayette Bank of Cincinnati, Ohio.

213 Q. Is he now?

A. He was then and is now.

214 Q. If you know you may state in what bank in Cincinnati, Ohio Mr. Nash kept his account?

A. The National Lafayette bank.

The further taking of these depositions is adjourned at 12 o'clock, noon, Thursday Apr. 11, 1901, until Monday April 22, 1901 at 10 o'clock a. m.

LAFAYETTE, IND., Monday, April 22, 1901.

Come the parties as heretofore appearing by their respective attorneys, pursuant to the order for adjournment heretofore made on this behalf, and on motion of the plaintiff that the former hearing of evidence in this case be postponed until Wednesday, May 1st, 1901, on account of the professional engagements of counsel and to grant them time to prepare for taking further evidence.

LAFAYETTE, IND., Wednesday, May 1, 1901.

Come the parties as heretofore appearing by their respective
1163 attorneys and by the agreement the further taking of said deposition is continued until Monday, May 13, 1901.

LAFAYETTE, IND., Monday, May 13, 1901.

Come the parties as heretofore and by agreement the further taking of these depositions is continued until Wednesday, May 29, 1901.

LAFAYETTE, IND., Wednesday, May 29, 1901.

Come the parties as heretofore and by agreement the further taking of these depositions is adjourned until Monday, June 10, 1901.

LAFAYETTE, IND., Monday, June 10, 1901.

Come the parties as heretofore and by agreement the further taking of these depositions is adjourned until Thursday, June 27, 1901.

LAFAYETTE, IND., Thursday, June 27, 1901.

Come the parties as heretofore and by agreement the further taking of these depositions is adjourned until Saturday, July 13, 1901.

LAFAYETTE, IND., Saturday, July 13, 1901.

Come the parties as heretofore and by agreement the further taking of these depositions is adjourned until Saturday, July 20, 1901.

LAFAYETTE, IND., Saturday, July 20, 1901.

The parties met pursuant to adjournment and the further taking of these depositions were continued as follows:

1164 WILL S. BAUGH, being first duly sworn states as follows:

Questions by Judge LANGDON, counsel for defendant:

1 Q. You may state your name?
A. William S. Baugh.
2 Q. What official position do you hold?
A. Treasurer of Tippecanoe county, Indiana.
3 Q. What book have you in your hand?
A. Tax duplicate, Union township, Tippecanoe county for the year 1880.

4. Q. Do you find the name of Job M. Nash entered there?
A. Yes, sir.

Judge LANGDON: I offer to read in evidence what is in this record.

Objected to by the plaintiff on the ground there is no issue between the parties in this case involving the real estate tax of Job M. Nash, the only point being involved or at issue in this case is as to whether or not the chattels listed by the auditor are proper and the tax upon them should be paid.

Judge LANGDON: The point is to say he paid all his taxes and this tends to show that whether it is real, personal or any other kind.

Whereupon said record is put and read in evidence by the defendant in the words and figures following, to-wit:

Nash, Job M., 31.73 acres, west half, southeast quarter of section 22, township 22, range 5; value of lands $995; total $995; first installment with road tax $5.37, second installment without road tax $4.78, total tax including delinquency $10.15.

1165 Nash, Job M., 80 acres, north half, southwest quarter of section 21, township 22, range 5: value of lands $2395, total $2395, first installment with road tax, $12.93, second installment without road tax $11.50, total tax for 1880, $24.43, total tax including delinquency *for* $24.43.

Nash, Job M., 19.75 acres, part of southeast quarter section 21, township 22, range 5, value of lands $590, total $590, first installment with road tax $3.19, second installment without road tax $2.83, total tax for 1880, $6.02, total tax including delinquency $6.02.

Nash, Job M., 80 acres, west half, northeast quarter of section 21, township 22, range 5, value of lands $2565, value of improvements $100, total $2665, first installment with road tax $14.39, second installment without road tax $12.79, total tox for 1880, $27.18, total tax including delinquency, $27.18.

Nash, Job M., 80 acres, east half, northwest quarter section twenty-one (21), township 22, range 5, value of lands $2740, value of improvements $340, total $3080, first installment with road tax $16.63, second installment without road tax $14.78, total tax for 1880, $31.41, total tax including delinquency $31.41.

Nash, Job M., chattels $315, total $315, first installment with road tax $1.70, second installment without road tax $1.51, total tax $3.21, total tax including delinquency $3.21.

5 Q. You may state whether the record shows those taxes are paid?

A. Yes, sir.

1166 6 Q. In full?

A. Yes, sir.

Mr. HANLY: We make no objection to the witness stating that the record shows that the real estate tax is paid.

7 Q. What book have you now in you- hand?

A. Tax duplicate, Fairfield township, Tippecanoe county for the year 1880.

8 Q. Turn to Fairfield township and see if the name of Job M. Nash appears there?

A. It does.

Mr. HANLY: The plaintiff makes the same objection with reference to the introduction of any testimony with reference to taxes being paid on real estate all through this record on the ground that there is no issue between the parties in this case with reference to real estate taxes.

On motion of the defendant the following part of last named record is read in evidence. Nash, Job M., 40 acres, southwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $1535, total $1535, first installment with road tax $9.06, second installment without road tax $7.37, total tax for 1880, $16.43; total tax including delinquency $16.43.

Nash, Job M., 12 acres, part of northwest quarter southwest quarter, section 34, township 23, range 4, value of lands $455, total $455, first installment with road tax $2.68, second installment without road tax $2.18, total tax for 1880, $4.86, total tax including delinquency $4.86.

1167 Nash, Job M., 80 acres, east half, southeast quarter, section 33, township, 23, range 4, value of lands $3070, value of improvements $500, total $3570, first installment with road tax $21.06, second installment without road tax $17.14, total tax for 1880, $38.20, total tax including delinquency $38.20.

Nash, Job M., 80 acres, east half southeast quarter, section 32, township 23, range 4, value of lands $3070, value of improvements $300, total $3370, first installment with road tax $19.88, second installment without road tax $18.18, total tax for 1880, $36.06, total tax including delinquency $36.06.

9 Q. You may state whether the above taxes are paid?

A. Yes, sir.

By Mr. HANLY:

10 Q. You mean the record shows they were paid?

A. Yes, sir.

By Judge LANGDON:

11 Q. Tell what book you have in your hand?

A. Tax duplicate Wea township, Tippecanoe county, for the year 1880.

12 Q. If Job Nash's name appears there you may turn to it?

A. Job M. Nash, yes, sir.

Defendant introduces the following part of said record in evidence:

Nash, Job M., 80 acres, south half, northwest quarter, section 1,

township 22, range 4, value of lands $2835, value of improvements $200, total $3075, first installment with road tax $17.22, second installment without road tax $15.03, total tax for 1880 $32.25, total tax including delinquency $32.25.

Nash, Job M., 40 acres, northwest quarter, southwest quar-
1168 ter, section 1, township 22, range 4, value of lands $1165, total $1165, first installment with road tax $6.52, second installment without road tax $5.71, total tax for 1880, $12.23, total tax including delinquency $12.23.

Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $580, first installment with road tax $3.25, second installment without road tax $2.84, total tax for 1880, $6.09, total tax including delinquency $6.09.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $575, total $575, first installment with road tax $3.22, second installment without road tax $2.82, total tax for 1880, $6.04, total tax including delinquency $6.04..

13 Q. You may state whether or not the record shows that the taxes are paid?

A. Yes, sir.

14 Q. Does it show any chattels?

A. Not assessed against Mr. Nash.

15 Q. What book have you in your hand?

A. Tax duplicate for Tippecanoe township, Tippecanoe county for the year 1880.

16 Q. If Job M. Nash's name appears you may state the fact?

A. It does.

The defendant offers in evidence the following part of said record:

Nash, Job M., 80 acres, east half, southwest quarter, section 12, township 24, range 4, value of lands $2840, total $2840, first
1169 installment with road tax $17.89, second installment without road tax $14.77, total tax for 1880, $32.66, total tax including delinquency $32.66.

17 Q. You may state whether or not the record shows that the tax is paid.

A. Yes, sir.

18 Q. Does it show any chattels?

A. None assessed against Mr. Nash.

19 Q. What book have you in your hand?

A. Tax duplicate for Perry township, Tippecanoe county, for the year 1880.

20 Q. If Job M. Nash's name appears you may state the fact?

A. It does.

Defendant introduces in evidence the following part of said record:

Nash, Job M., 80 acres, east half, west half, southwest quarter, section wl, township 23, range 3, value of lands $550, total $550, first installment with road tax $3.52, second installment without road tax $2.97, total tax for 1880, $6.49, total tax including delinquency, $6.49.

21 Q. You may state whether or not the record shows that the taxes are paid?

A. Yes, sir.

22 Q. Does it show any chattels?

A. No chattels.

23 Q. What book is that you have in your hands?

A. Tax duplicate, Wabash township, Tippecanoe county, for the year 1880.

24 Q. If Job M. Nash's name appears there you may state the fact?

A. It does.

1170 Defendant introduces in evidence the following part of said record.

Nash, Job M., 70 acres, part of west half, northwest quarter, section 25, township 24, range 5, value of land $1370, total $1370, first installment with road tax $7.67, second installment without road tax $6.30, total tax for 1880, $13.97, total tax including delinquency $13.97.

Nash, Job M., 40 acres, southeast quarter, northwest quarter, section 21, township 23, range 5, value of land $630, total $630, first installment with road tax $3.53, second installment without road tax $2.90, total tax for 1880, $6.43, total tax including delinquency, $6.43.

Nash, Job M., 40 acres, east half, east half, northwest quarter section 10, township 23, range 5, value of lands $880, value of improvements $100, total $980; first installment with road tax $5.49; second installment without road tax $4.51, total tax for 1880, $10., total tax including delinquency $10.

Nash, Job, 40 acres, east half, east half, southwest quarter, section 3, township 23, range 5, value of lands $785, total $785, first installment with road tax $4.40, second installment without road tax $3.61, total tax for 1880, $8.01, total tax including delinquency $8.01.

25 Q. You may state whether the record shows those taxes are paid?

A. It shows the current tax for 1880 is paid. Also shows there has been a tax sale against four tracts of this property against all of it.

1171 Mr. LANGDON: The defendant's counsel objects to the answer because it is a volunteered statement of the witness without being asked, and made from a memorandum referring to a record.

26 Q. Is that correct?
A. Yes, there are no chattels assessed against him.
27 Q. What record have you now in your hand?
A. Tax duplicate Shelby township, Tippecanoe county for the year 1880.

Defendant introduces in evidence the following part of said record.

Nash, Job M., 80 acres, southwest quarter, section 8, township 24, range 5, value of lands $1235, improvements $100, total $1335; first installment with road tax $8.28, second installment without road tax $6.81, total tax for 1880, $15.09, total tax including delinquency $15.09.

Nash, Job M., 18 acres, part of west half, southeast quarter, section 8, township 24, range 5, value of lands $90, total value $90; first installment with road tax fifty-six cents, second installment without road tax forty-six cents, total tax for 1880, $1.02, total tax including delinquency $1.02.

28 Q. No chattels appearing?
A. No, sir.
29 Q. Are those taxes paid?
A. Yes, sir.
30 Q. What record have you in your hand?
A. Tax duplicate for Fairfield township, Tippecanoe county for the year 1881.
31 Q. See if the name of Job M. Nash appears there?
1172 A. Yes sir.

Defendant introduces in evidence the following from this record.

Nash, Job M., 40 acres, southwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $1535, total $1535; first installment with road tax $9.98, second installment without road tax $9.21, total tax for 1881, $19.19, total tax including delinquency $19.19.

Nash, Job M., 12 acres, part of northwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $455, total $455; first installment with road tax $2.96, second installment without road tax $2.72, total tax for 1881, $5.69, total tax including delinquency $5.69.

Nash, Job M., 80 acres, east half, southeast quarter, section 33, township 23, range 4, value of lands $3070, improvements $500, total $3570; first installment with road tax $33.20, second installment without road tax $21.42, total tax for 1881, $44.62, total tax including delinquency $44.62.

Nash, Job M., 80 acres, east half southeast quarter, section 32, township 23, range 4, value of lands $3070, value of improvements $300, total $3370, first installment with road tax $21.90, second installment without road tax $20.22, total tax for 1881, $42.12, total tax including delinquency $42.12.

32 Q. Any chattels appear there?
A. No, sir.
33 Q. All these taxes paid?
A. Yes, the record shows they were paid.
34 Q. What book is that you have in your hand?
1173 A. Tax duplicate, Lauramie township, Tippecanoe county for the year 1881.

Defendant introduces in evidence the following from said record.
Nash, Job M., 324 acres, north half section 31, township 21, range 3, value of lands $5115, total $5115, first installment without road tax $38.36, second installment without road tax $35.81, total tax for 1881 $74.17, total tax including delinquency $74.17.
Nash, Job M., undivided two-thirds 80 acres, southeast quarter, southwest quarter and southwest quarter, southeast quarter, section 29, township 21, range 3, value of lands $1265, total $1265, first installment with road tax $9.49, second installment without road tax $8.85, total tax for 1881, $10.34, total tax including delinquency $18.34.

35 Q. Are those taxes paid according to the record?
A. Those taxes are all paid, they have been paid a little out of the regular order there.
36 Q. Any chattels shown?
A. No, sir.
37 Q. The record shows the taxes are paid?
A. Yes, sir.
38 Q. What record have you now in your hands?
A. Tax duplicate, Wayne township, Tippecanoe county, for the year 1881.

Defendant introduces in evidence the following from said record.
Nash, Job M., 160 acres, part of Burnett's reserve northwest quarter, section 6, township 22, range 6, value of lands $6215, value of improvements $400, total $6615, first installment with road
1174 tax $48.95, second installment without road tax $45.64, total tax for 1881, $94.59, total tax including delinquency $94.59.
Nash, Job M., 93.57 acres, part of Burnett's reserve, north half, section 4, township 22, range 6, value of lands $1355, total $1355, first installment with road tax $10.03, second installment without road tax $9.35, total tax for 1881, $19.38, total tax including delinquency $19.38.

39 Q. Are those taxes paid as shown by the record?
A. Yes, sir.
40 Q. No chattels?
A. No chattels.

Adjourned at 12 o'clock noon, Saturday, July 20, 1901, until this afternoon, at 1:30 o'clock.

LAFAYETTE, IND., Saturday, July 20, 1901—1:30 o'clock.

Parties met as heretofore and the taking of these depositions continue- as follows:

41 Q. What book have you in your hand?

A. Tax duplicate, Union township, Tippecanoe county, for the year 1881.

Defendant introduces in evidence the following from said record:

Nash, Job M., 31.73 acres, part west half, southeast quarter section 21, township 22, range 5, value of lands, $995, total $995, first installment with road tax $5.95, second installment without road tax $5.57, total tax for 1881, $11.54, total tax including delinquency $11.54.

1175 Nash, Job M., 80 acres, north half southwest quarter, section 21, township 22, range 3, value of lands $2395, total $2395, first installment with road tax $14.37, second installment without road tax $13.41, total tax for 1881, $27.78, total tax including delinquency $27.78.

Nash, Job M., 1975 acres, part southeast quarter, southwest quarter, section 21, township 22, range 3, value of lands $590, total $590, first installment with road tax $3.54, second installment without road tax $3.30, total tax for 1881, $6.84, total tax including delinquency $6.84.

Nash, Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of lands $2565, value of improvements $100, total $2665, *value of improvements $100, total $2665*, first installment with road tax $15.99, second installment without road tax $14.92, total tax for 1881, $30.91, total tax including delinquency $30.91.

Nash, Job M., 80 acres, east half northwest quarter, section 21, township 22, range 5, value of lands $2740, value of improvements $340, total $3080, first installment with road $18.48, second installment without road tax $17.25, total $35.73, total tax including delinquency $35.73.

Nash, Job M., chattels $410, total $410, first installment with road tax $2.46, second installment without road tax $2.30, total tax for 1881, $4.76, total tax including delinquency $4.76.

42 Q. Does that show by the record it was paid?

A. Yes, sir.

43 Q. What record now have you in your hand?

1176 A. Tax duplicate Tippecanoe township, Tippecanoe county for the year 1881.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southwest quarter, section 12, township 24, range 4, value of lands $2840, total $2840, first installment with road tax $19.03, second installment without road tax $11.89, total tax for 1881, $36.92, total tax including delinquency $36.92.

44 Q. Does the record show that the tax is paid?
A. Yes, sir.
45 Q. How about the chattels?
A. No chattels.
46 Q. What is that you have in your hand?
A. Tax duplicate, Shelby township, Tippecanoe county for the year 1881.

Defendant introduces in evidence the following part of said record.

Nash, Job M., 80 acres, east half, southwest quarter, section 8, township 24, range 5, value of lands $1235, improvements $100, total $1335, first installment with road tax $9.48, second installment without road tax $8.94, total tax for 1881, $18.42, total tax including delinquency $18.42.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5, value of land $90, total $90, first *installment with road tax sixty-four cents, second* installment without road tax sixty cents, total tax for 1881, $1.24, total tax including delinquency $1.24.

Nash, Job M., 6 acres, part west half southeast quarter sec-
1177 tion 8, township 24, range 5, value of lands $90, total $90, first installment without road tax sixty cents, — total tax for 1881, $1.24, total tax including delinquency, $1.24.

47 Q. Is the tax on this paid according to the record?
A. Yes, sir.
48 Q. No chattels mentioned?
A. No, sir.
49 Q. What book have you in your hand?
A. Tax duplicate, Wabash township, Tippecanoe county for the year 1881.

Defendant introduces in evidence the following from said record.

Nash, Job M., 70 acres, part west half, northwest quarter, section 25, township 24, range 5, value of lands $1370, total $1370, first installment with road tax $9.45, second installment without road tax $9.49, total tax for 1881, $17.94, total tax including delinquency $17.94.

Nash, Job M., 40 acres, southeast quarter, northwest quarter, section 21, township 23, range 5, value of land $630, total $630, first installment with road tax $4.35, second installment without road tax $3.91, total tax for 1881, $8.26, total tax including delinquency $8.26.

Nash, Job M., 40 acres, east half, east half, northwest quarter, section 10, township 23, range 5, value of lands $880, improvements $100, total $980, first installment with road tax $6.76, second installment without road tax $6.08, total tax for 1881, $12.84 delinquency former years including penalty and interest $21.86, total tax including delinquency $34.70.

1178 Nash, Job M., 40 acres, east half, east half, southwest quarter section 3, township 23, range 5, value of lands $785, total $785, first installment with road tax $5.42, second installment without road tax $4.87, total tax for 1881, $10.29, total tax including delinquency $10.29.

Nash, Job M., 5 acres, south half, northwest quarter, southeast quarter, northwest quarter, section 16, township 23, range 5, value of land $60, total $60, first installment with road tax 41 cents, second installment without road tax 37 cents, total tax for 1881, 78 cents, total tax including delinquency 78 cents.

50 Q. Are those taxes paid as shown by the record?
A. Yes, sir.
51 Q. Anything said about chattels?
A. No chattels.
52 Q. Don't show any chattels?
A. No, sir.
53 Q. What record have you now?
A. Wea township.
54 Q. What is that book you have before you?
A. Duplicate, Wea township, Tippecanoe county, for the year 1881.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, south half, southwest quarter, section 1, township 22, range 4, value of lands $2875, value of improvements $200, total $3075, first installment with road tax $21.52, second installment without road tax $19.07, total tax for 1881 $40.59, total tax including delinquency, $40.59.

1179 Nash, Job M., 40 acres, southwest quarter, southwest quarter, section 1, township 22, range 4, value of land $1165, total $1165, first installment with road tax $8.15, second installment without road tax $7.22, total tax for 1881, $15.37, total tax including delinquency $15.37.

Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of land $580, total $580 first installment with road tax $4.06, second installment without road tax $3.60, total tax for 1881, $7.66, total tax including delinquency $7.66.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $575, total $575, first installment with road tax $4.02, second installment without road tax $3.57, total tax for 1881, $7.59, total tax including delinquency $7.59.

55 Q. Does the record show these taxes were paid?
A. Yes, sir.
56 Q. Is there anything on the record about chattels?
A. No, sir.
57 Q. What book have you in your hand?

A. Tax duplicate, Fairfield township, Tippecanoe county for the year 1882.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres, southwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $1535, total $1535, first installment with road tax $12.28, second installment without road tax $9.52, total tax for 1882, $21.80, total tax icluding delin-
1180 quency $21.80.

Nash, Job M., 12 acres, part northwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $455, total $455, first installment with road tax $3.64, second installment without road tax $2.82, total tax for 1882, $6.46, total tax including delinquency $6.46.

Nash, Job M., 80 acres, east half southeast quarter, section 33, township 23, range 4, value of lands $3070, improvements $500, total $3570, first installment with road tax $28.56, second installment without road tax $22.12, total tax for 1882, $50.69, total tax including delinquency $50.69.

Nash, Job M., 80 acres, east half southeast quarter, section 32, township 23, range 4, value of lands $3070, improvements $300, total $3370, first installment with road tax $26.96, second installment without road tax $20.89, total tax for 1882, $47.85, total tax including delinquency $47.85.

58 Q. These taxes are paid?

A. Yes, sir.

59 Q. Does it show anything about chattels?

A. No, sir

60 Q. What book have you now in your hand?

A. Tax duplicate Lauramie township, 1882, Tippecanoe county, Indiana.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, southwest quarter, southwest quarter, southeast quarter, section 29, township 21, range 3, value of lands $1900, total $1900, first installment with road tax $15.96,
1181 second installment without road tax $14.06, total tax for 1882, $30.02, total tax including delinquency $30.02.

Nash, Job M., 40 acres, northwest quarter, northeast quarter, section 31, township 21, range 3.

Nash, Job M., 80 acres, south half, northwest quarter, section 31, township 21, range 3.

Nash, Job M., 44 acres, northeast quarter, northwest quarter, section 31, township 21, range 3, value of lands $3835, total $3835, first installment with road tax $32.21, second installment without road tax $38.38, total tax for 1882, $60.59, total tax including delinquency $60.59.

61 Q. Does the record show these taxes are paid?

A. The record shows it is paid.

62 Q. Does it show anything about chattels?

A. Tax duplicate 1882, Wayne township, Tippecanoe county, Indiana.

Defendant introduces in evidence the following from said record.

Nash, Job, 160 acres, part Burnett's reserve, northwest quarter, section 6, township 22, range 3, value of lands $6215, improvements $400, total $6615, first installment with road tax $47.63, second installment without road tax $44.32, total tax for 1882 $91.95, total tax including delinquency $91.95.

Nash, Job, 93.57 acres, part Burnett's reserve, north half, section 4, township 22, range 6, value of lands $1355, total $1355, first installment with road tax $9.76, second installment without road tax $9.08, total tax for 1882, $18.84, total tax including delinquency, $18.84.

1182 64 Q. Are these taxes paid?

A. Yes, sir.

65 Q. Show anything about chattels?

A. No, sir, no chattels.

66 Q. What book have you in your hand?

A. Tax duplicate 1882, Union township, Tippecanoe county, Indiana.

Defendant introduces in evidence the following from said record.

Nash, Job M., chattels $175, total $175, first installment with road tax $1.09, second installment without road tax 98 cents, total tax for 1882, $2.07, total tax including delinquency $2.07.

Nash, Job M., 31.73 acres, part west half southeast quarter section 21, township 22, range 5, value of lands, $995, total $995, first installment with road tax $6.17, second installment without road tax $5.57, total tax for 1882, $11.74, total tax including delinquency $11.74.

Nash, Job M., 80 acres, north half, southwest quarter, section 21, township 22, range 5, value of lands $2395, total $2395, first installment with road tax $14.85, second installment without road tax $13.41, total tax for 1882, $28.26, total tax including delinquency $28.26.

Nash, Job M., 19.75 acres, part southeast quarter, southwest quarter, section 21, township 22, range 5, value of lands $590, total $590, first installment with road tax $3.66, second installment without road tax $3.30, total tax for 1882, $6.96, total tax including delinquency $6.96.

1183 Nash, Job M., 80 acres, west half northeast quarter, section 21, towhship 22, range 5, value of lands $2565, value of improvements $100, total $2665, first installment with road tax $16.52, second installment without road tax $14.92, total tax for 1882, $31.44, total tax including delinquency $31.44.

Nash, Job M., 80 acres, east half, northwest quarter, section 21, township 22, range 5, value of lands $2740, value of improvements $340, total $3080, first installment with road tax $19.10, second in-

stallment without road tax $17.25, total tax for 1882 $36.35, total tax including delinquency $36.35.

67 Q. Are the taxes paid?

A. Yes, sir.

68 Q. What book have you now in your hands?

A. Tax duplicate, Wea township, Tippecanoe county, Indiana, 1882.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 22, range 4, value of lands $2875, value of improvements $200, total $3075, first installment with road tax $21.52, second installment without road tax $18.45, total tax for 1882, $39.97, total tax including delinquency $39.97.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 22, range 4, value of lands $1165, total $1165, first installment with road tax $8.15, second installment without road tax $6.99, total tax for 1882, $15.14, total tax including de-
1184 linquency $15.14.

Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $580, total $580, first installment with road tax $4.06, second installment without road tax, $3.48, total tax for 1882, $7.54, total tax including delinquency $7.54.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $575, total $575, first installment with road tax $4.02, second installment without road tax $3.45, total tax for 1882, $7.47, total tax including delinquency $7.47.

69 Q. Are these taxes paid?

A. Yes, sir.

70 Q. Does it show anything about chattels?

A. No, sir, it *h*sows there ain't any.

71 Q. I asked you if it shows any?

A. No, sir, no chattels.

72 Q. What book have you in your hands?

A. Tax duplicate Tippecanoe township, Tippecanoe county, for the year 1882.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southeast quarter, section 12, township 24, range 4, value of lands $2840, total $2840, first installment with road tax $21.30, second installment without road tax $17.04, total tax for 1882, $38.34, total tax including delinquency $38.34.

73 Q. Are these taxes paid?

A. Yes, sir.

1185 74 Q. Does it show anything about chattels?

A. No chattels.

75 Q. What book have you now in your hands?
A. Tax duplicate Wabash township, Tippecanoe county, Indiana, 1882.

Defendant introduces in evidence the following from said record.
Nash, Job M., 70 acres, part west half, northwest quarter section 25, township 24, range 5, value of lands $1370, total $1370, first installment with road tax $10.69, second installment without road tax $8.77, total tax for 1882, $19.46, total tax including delinquency $19.46.
Nash, Job M., 40 acres, southeast quarter, northeast quarter, section 21, township 23, range 5, value of lands $630, total $630, first installment with road tax $4.91, second installment without road tax $4.03, total tax for 1882, $8.94, total tax including delinquency $8.94.
Nash, Job M., 5 acres, south half northeast quarter, southeast quarter, section 16, township 23, range 5, value of lands $60, total $60, first installment with road tax 47 cents, second installment without road tax 38 cents, total tax for 1882, 85 cents, total tax including delinquency 85 cents.

76 Q. All these taxes paid as shown by the record?
A. Yes, sir.
77 Q. Does it show anything about chattels?
A. It shows no chattels.
78 Q. What book have you now in your hands?
A. Tax duplicate Shelby township, Tippecanoe county for the year 1882.

1186 Defendant introduces in evidence the following from said record.
Nash, Job M., 80 acres, east half southeast quarter, section 8, township 24, range 5, value of lands $1235, improvements $100, total $1335, first installment with road tax $10.95, second installment without road tax $9.08, total tax for 1882, $20.03, total tax including delinquency $20.03.
Nash, Job M., 18 acres, part west half southeast quarter, section 8, township 24, range 5, value of lands $90, total $90, first installment with road tax 74 cents, second installment without road tax 61 cents, total tax for 1882, $1.35, total tax including delinquency $1.35.
Nash, Job M., 6 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $90, total $90, first installment with road tax 74 cents, second installment without road tax 61 cents, total tax for 1882, $1.35, total tax including delinquency $1.35.

79 Q. Are those taxes paid?
A. Yes, sir.
80 Q. Anything shown as to chattels?
A. No chattels.
81 Q. What have you in your hands?

A. Tax duplicate Fairfield township, Tippecanoe county, for the year 1883.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres, southwest quarter, southwest quar-
1187 ter, section 34, township 23, range 4, value of lands $1535, total $1535, first installment with road tax $12.43, second installment without road tax $10.28, total tax for 1883, $22.71, total tax including delinquency $22.71.

Nash, Job M., 12 acres, part of northwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $455, total $455, first installment with road tax $3.69, second installment without road tax $3.05, total tax for 1883, $6.74, total tax including delinquency $6.74.

Nash, Job M., 80 acres, east half, southeast quarter section 33, township 23, range 4, value of lands $3070, improvements $500, total $3570, first installment with road tax $28.92, second installment without road tax $23.92, total tax for 1883, $52.84, total tax including delinquency $52.84.

Nash, Job M., 80 acres, east half, southeast quarter, section
1188 32, township 23, range 4, value of lands $3070, improvements $300, total $3370, first installment with road tax $27.30, second installment without road tax $22.58, total tax for 1883, $49.88, total tax including delinquency $49.88.

82 Q. Are these taxes shown to be paid by the record?

A. Yes, sir.

83 Q. Does it show anything about chattels?

A. No, sir.

84 Q. What book have you now in your hands?

A. Tax duplicate, 1883, Lauramie township, Tippecanoe county, Indiana.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres southeast quarter, southwest quarter, section 29, township 21, range 3.

Nash, Job M., 40 acres, southwest quarter, southeast quarter, section 29, township 21, range 3, value of lands $1325, total $1325, first installment with road tax $11, second installment without road tax $9.94, total tax for 1883, $20.94, total tax including delinquency $20.94.

85 Q. Are those taxes paid?

A. Yes, sir.

86 Q. Are there any chattel- there?

A. No, sir.

87 Q. What book have you in your hand?

A. A tax duplicate, Wayne township, Tippecanoe county, Indiana, for the year 1883.

Defendant introduces in evidence the following from said record.

Nash, Job M., 160 acres, part Burnett's reserve, northwest
1189 quarter, section 6, township 22, range 6, value of lands $6215, value of improvements $400, total $6615, first installment with road tax $47.63, second installment without road tax $44.98, total tax for 1883, $92.61, total tax including delinquency $92 61.

Nash, Job M., 93.57 acres, part Burnett's reserve, north half, section 4, township 22, range 6, value of lands $1355, total $1355, first installment with road tax $9.76, second installment without road tax $9.21, total tax for 1883, $18.97, total tax including delinquency $18.97.

88 Q. Have all these taxes been paid?

A. Yes, sir.

89 Q. Does it show anything with reference to chattels?

A. No, sir.

90 Q. Now, what book have you in your hands?

A. Tax duplicate Union township, Tippecanoe county for the year 1883.

Defendant introduces in evidence the follow- from said record.

Nash, Job M., 31.73 acres, part west half, southeast quarter, section 21, township 22, range 5, value of lands $995, total $995, first installment with road tax $6.98, second installment without road tax $6.37, total tax for 1883, $13.33, total tax including delinquency $13.33.

Nash, Job M., chattels $380, total $380, first installment with road tax $2.66, second installment without road tax, $2.43, total tax for 1883, $5.09 total tax including delinquency $5.09.

Nash, Job M., 80 acres, north half, southeast quarter, sec-
1190 tion 21, township 22, range 5, value of lands $2395, total $2395, first installment with road tax $16.76, second installment without road tax $15.33, total tax for 1883, $32.09, total tax including delinquency $32.09.

Nash, Job M., 19.75 acres, part southeast quarter, southwest quarter, section 21, township 22, range 5, value of lands $590, total $590, first installment with road tax $4.13, second installment without road tax $3.78, total tax for 1883, $7.91, total tax including delinquency $7.91.

Nash, Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of lands $2565, value of improvements $100, total $2665, first installment with road tax, $18.65, second installment without road tax $17.06, total tax for 1883, $35.71, total tax including delinquency $35.71.

Nash, Job M., 80 acres, east half, northwest quarter, section 21, township 22, range 5, value of lands $2740, value of improvements $340, total $3080, first installment with road tax $21.56, second installment without road tax $19.71, total tax for 1883, $41.27, total tax including delinquency $41.27.

91 Q. Are these taxes paid?

A. The record shows they are paid.

92 Q. What book have you in your hand now?

A. Tax duplicate, Wea township, Tippecanoe county, Indiana, 1883.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 22, range 4, value of lands $2875, value of improve-
1191 ments $200, total $3075, first installment with road tax $21.83, second installment without road tax, $19.37, total tax for 1883, $41.20, total tax including delinquency $41.20.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 22, range 4, value of lands $1165, total $1165, first installment with road tax $8.27, second installment without road tax $7.34, total tax for 1883, $15.61, total tax including delinquency $15.61.

Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $580, total $580, first installment with road tax $4.12, second installment without road tax $3.65, total tax for 1883, $7.77, total tax including delinquency $7.77.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $575, total $575, first installment with road tax $4.08, second installment without road tax, $3.62, total tax for 1883, $7.70, total tax including delinquency $7.70.

93 Q. Have these taxes been paid according to the record?

A. Yes, sir.

— Q. Does it show anything about chattels?

A. No, sir.

95 Q. What book have you in your hands now?

A. Tax duplicate Wabash township, Tippecanoe county, Indiana, 1883.

Defendant introduces in evidence the following from said record.

Nash, Job M., 70 acres, part west half, northwest quarter,
1192 section 25, township 24, range 5, value of lands $13.70, total $13.70, first installment with road tax $10.69, second installment without road tax $8.90, total tax for 1883, $19.59, total tax including delinquency $19.59.

Nash, Job M., 40 acres, southeast quarter, northwest quarter, section 21, township 23, range 5, value of lands $630, total $630, first installment with road tax $4.91, second installment without road tax $4.10, total tax for 1893, $9.01, total tax including delinquency $9.01.

Nash, Job M., 5 acres, south half, northwest quarter, southeast quarter, northwest quarter, section 16, township 23, range 5, value of lands $60, total $60, first installment with road tax 47 cents, second installment without road tax 39 cents, total tax for 1883, 86 cents, total tax including delinquency 86 cents.

96 Q. Is that all in this record?
A. Yes, sir.
97 Q. Are these taxes paid?
A. Yes, sir.
98 Q. Show anything about chattels?
A. No chattels.
99 Q. What book have you in your hands?
A. Tax duplicate, Tippecanoe township, Tippecanoe county, Indiana, for the year 1883.

Defendant introduces in evidence the following from said record.
Nash, Job M., 80 acres, east half, southeast quarter, section 12, township 24, range 4, value of land $2840, total $2840, first
1193 installment with road tax $21.87, second installment without road tax $17.61, total tax for 1883, $39.48, total tax including delinquency $39.48.

100 Q. Is that all in this record?
A. Yes, sir.
101 Q. Those taxes paid?
A. Yes, sir.
102 Q. Anything about chattels?
A. No, sir.
103 Q. What book have you in your hand?
A. Tax duplicate, Fairfield township, Tippecanoe county, Indiana, 1884.

Defendant introduces in evidence the following from said record.
Nash Job M. 40 acres, southwest quarter, southwest quarter, section 34 township 23, range 4, value of lands $1535, total $1535, first installment with road tax $13.36 second installment without road tax $1028, total tax for 1884 $23.64, total tax including delinquency $23.64,

Nash, Job M., 12 acres part northwest quarter southwest quarter, section 34, township 23, range 4, value of lands $455, total $455, first installment with road tax $3.97, second installment without road tax $3.04, total tax for 1884 $7.01, total tax including delinquency $7.01

Nash, Job M., 80 acres, east half, southeast quarter section 33, township 23, range 4, value of lands $3070, improvements $500, total $3570, first installment with road tax $31.06, second installment without road tax $23.92, total tax for 1884 $54.98 total tax including delinquency $54.98.

1194 Nash Job M., 80 acres east half, southeast quarter, section —, township 23, range 4, value of lands $3072, improvements $30 total $3370, first installment with road tax $39.32, second installment without road tax $22.58, total tax for 1884 $51.98 total tax including delinquency $51.90.

104 Q. Is that all in this record?
A. Yes, sir.

105 Q. All these taxes paid?
A. Yes, sir.
106 Q. Does it sh*l*w anything about chattels?
A. No chattels.
107 Q. What have you in your hand?
A. Tax duplicate, Lauramie township, Tippecanoe county Indiana, 1884.

Defendant introduces in evidence the following from said record. Nash, Job M., 40 acres southeast quarter, south- quarter, section 29, township 21, *t*ange 3. Nash Job M. 40 acres, southwest quarter, southeast quarter, section 29, township 21, range 3, value of lands $1325, total $1325, first installment with road tax $12.85, second installment without road tax $10.21 total tax for 1884, $23.06, total tax including delinquency $47.47.

108 Q. Is that all that is shown by this record?
A. Yes, sir.
109 Q. All those taxes paid?
A. Yes, sir.
110 Q. What record now have — before you?
1195 A. Tax duplicate, Wayne township, Tippecanoe county for the year 1884.

Defendant introduces in evidence the following from said record. Nash, Job M., 160 acres, part Burnett's reserve, northwest quarter, section 6, township 22, range 6, value of lands $6215, improvements $400, total $6615, first installment with road tax $50.94 second installment without road tax $46.30, total tax for 1884, $97.24, total tax including delinquency $97.24.
Nash, Job M., 93.57 acres, part Burnett's reserve north half, section 4, township 22, range 6, value of lands $1355, total $1355, first installment with road tax $10.43, second installment without road tax $9.43, total tax for 1884, $19.86 total tax including delinquency $19.86.

112 Q. Are those taxes paid?
A. Yes, sir.
113 Q. Does the record show anything about chattels?
A. No, sir.
114 Q. What book have you in your hands now?
A. Tax duplicate, Union township, Tippecanoe county, for the year 1884.

Defendant introduces in evidence the following from said record. Nash, Job M., 31.73 —, part west half, southeast quarter, section 21, township 22, range 5, value of lands $995, total $995, first installment with road tax $6.87, second installment without road tax $6.56, total tax for 1884, $13.43, total tax including delinquency $13.43.
1196 Nash, Job M., 80 acres, part north half, southwest quarter, section 21, township 22, range 5, value of lands $2395, total

$2395, first installment with road tax $16.53, second installment without road tax, $15.80, total tax for 1884, $32.38, total tax including delinquence $32.33.

Nash, Job M., 19.75 acres, part southeast quarter southwest quarter, section 21, township 22, range 5, value of land $590, total $590, first installment with road tax $4.70, second installment without road tax $3.89, total tax for 1884, $7.96, total tax including delinquency $7.96.

Nash, Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of land $2565, value of improvements $100, total $2665, first installment with road tax $18.39, second installment without road tax $17.59, total tax for 1884, $35.98, total tax including delinquency $35.98.

Nash, Job M., 80 acres, east half, northwest quarter, section 21, township 22, range 5, value of lands $2740, value of improvements $340, total $3080, first installmeni with road tax $21.25, second installment without road tax, $21.33, total tax for 1884, $41.58, total tax including delinquency $41.58.

115 Q. Is that all shown in the record ?

A. That is all.

116. Q. These taxes are paid as shown by the record ?

A. Yes, sir.

117 Q. Does it show anything about the chattels ?

A. No, sir.

118 Q. What have you now ?

A. Tax duplicate Wea township, Tippecanoe county, Indi-
1197 ana for the year 1884.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, south half, southwest quarter, section 1, township 22, range 4, value of lands $2875, value of improvements $200, total $3075, first installmeut with road tax $22.45, second installment without road tax $19.68, total tax for 1884, $42.13, total tax including delinquency $42.13.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 22, range 4, value of lands $1165, total $1165, first installment with road tax $8.50, second installment without road tax $7.46, total tax for 1884, $15.96, total tax including delinquency $15.96.

Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $580, total $580, first installment with road tax $4.24, second installment without road tax $3.71, total tax for 1884, $7.95, total tax including delinquency $7.95.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $575, total $575, first installment with road tax $4.20, second installment without road tax $3.68, total tax for 1884, $7.88, total tax including delinquency $7.88.

119 Q. Is this all that appears in the record.
A. Yes, sir.
120 Q. Is there anything shown here about chattels?
A. No, sir.
121 Q. Are these taxes paid?
1198 A. Yes, sir.
122 Q. What book have you in your hands?
A. Tax duplicate, Tippecanoe township, Tippecanoe county, Indiana, 1884.

Defendant introduces in evidence the following from said record.
Nash, Job M., 80 acres, east half, southeast quarter, section 12, township 24, range 4, value of lands $2840, total $2840, first installment with road tax $23.57 second installment without road tax $19.05, total tax for 1884, $42.60, total tax including delinquency $42.60.

123 Q. Is that all appears on this record?
A. That is all.
124 Q. Show anything about chattels?
A. No, sir.
125 Q. Have these taxes been paid?
A. Yes, sir.
126 Q. What book have you in your hands now?
A. Tax duplicate, Wabash township, Tippecanoe county, Indiana, 1884.

Defendant introduces in evidence the following from said record.
Nash, Job M., 70 acres, part west half, northwest quarter, section 25, township 24, range 5, value of lands $1370, total $1370, first installment with road tax $11.23, second installment without road tax $9.18, total tax for 1884, 20.41, total tax including delinquency $20.41.
Nash, Job M., 5 acres, south half, northwest quarter, southeast quarter, northwest wuarter, section 16, township 23, range 5,
1199 value of lands, $60, total $60, first installment with road tax 49 cents, second installment without road tax 40 cents, total tax for 1884, 89 cents, total tax including delinquency 89 cents.

127 Q. All those taxes paid?
A. Yes, sir.
128 Q. Does it show anything about the chattels?
A. No, sir.
129 Q. What book have you in your hand now?
A. Tax duplicate Shelby township, Tippecanoe county, Indiana, 1883.
130 Q. Is there other land there taxed to Job M. Nash?
A. Yes, sir.

Defendant introduces in evidence the following from said record.
Nash, Job M., 80 acres, east half, southeast quarter, section 8,

township 24, range 5, value of lands $1235, value of improvements $400, total $1635, first installment with road tax $13.57, second installment without road tax $11.12, total tax for 1883, $34.69, total tax including delinquency $34.69.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $90, total $90, first installment with road tax 75 cents, second installment without road tax 61 cents, total tax for 1883, $1.36, total tax including delinquency, $1.36.

Nash, Job M., 6 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $90, total $90, first installment with road tax 75 cents, second installment without road tax
1200 61 cents, total tax for 1883, $1.36, total tax including delinquency $1.36.

131 Q. Is that all that appears in this record?
A. Yes, sir.
132 Q. Have these taxes been paid?
A. Yes, sir.
133 Q. Is there anything showing about chattels?
A. No, sir.
134 Q. What have you?
A. Tax duplicate, Shelby township, for the year 1884.

Defendant introduces in evidence the following from said record.

Nash, Job. M., 80 acres, east half, southeast quarter, section 8, township 24, range 5, value of lands $1235, value of improvements, $400, total $1635, first installment with road tax $12.42, second installment without road tax $9.97, total tax for 1884, $22.39, total tax including delinquency, $24.03.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 3, value of lands $90, total $90, first installment with road tax 68 cents, second installment without road tax 55 cents, total tax for 1884, $1.23, total tax including delinquency $1.23.

Nash, Job M., 6 acres, part northeast quarter, section 8, township 24, range 5, value of land $90, total $90, first installment with road tax 68 cents, second installment without road tax 55 cents, total tax for 1884, $1.23, total tax including delinquency, $1.23.

135 Q. Is that all?
1201 A. Yes, sir.
136 Q. Have these taxes been paid according to the record?
A. Yes, sir.
137 Q. Dosen't show anything about chattels?
A. No, sir.
138 Q. What book have you now?
A. Tax duplicate, Fairfield township, Tippecanoe county, Indiana, for the year 1885.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres, southwest quarter, southwest quarter, section

34, township 23, range 4, value of lands $1535, total $1535, first installment with road tax $11.21, second installment without road tax $8.90, total tax for 1885, $20.11, total tax including delinquency, $20.11.

Nash, Job M., 12 acres, part northwest quarter, southeast quarter, section 34, township 33, range 4, value of lands, $455, total $455, first installment with road tax $3.32, second installment with- road tax $2.64, total tax for 1885, $5.96, total tax including delinquency $5.96.

Nash, Job M., 80 acres, east half, southeast quarter, section 33, township 23, range 4, value of lands $3070, improvements $500, total $3570, first installment with road tax $26.06, second installment without road tax $20.71, total tax for 1885, $46.77, total tax including delinquency $46.77.

Nash, Job M., 80 acres, east half, southeast quarter, section 32, township 23, range 4, value of lands $3070, value of improve-
1202 ments $300, total $3370, first installment with road tax $24.60, second installment without road tax $19.55, total tax for 1885, $44.15, total tax including delinquency $44.15.

139 Q. Have these taxes been paid?

A. Yes, sir.

140 Q. Does the record show anything about chattels?

A. No, sir.

141 Q. What book have you in your hands now?

A. Tax duplicate Lauramie township, Tippecanoe county, Indiana, 1885.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres, southeast quarter, southwest quarter, section 29, township 21, range 3, Nash, Job M., 40 acres, southwest quarter, southeast quarter, section 29, township 21, range 3, value of lands $1325, total $1325, first installment with road tax $10.86, second installment without road tax $9.15, total tax for 1885, $20.01, total tax including delinquency, $20.01.

142 Q. Does the record show the taxes were paid?

A. Yes, sir.

143 Q. Does it show any chattels?

A. It shows no chattels.

144 Q. What book have you now in your hands?

A. Tax duplicate Wayne township, Tippecanoe county, Indiana, 1885.

Defendant introduces in evidence the following from said record.

Nash, Job M., 160 acres, part Burnett's reserve, northwest quarter, section 6, township 22, range 6, value of lands $6215 value of
1203 improvements $400, total $6615, first installment with road tax $58.22, second installment without road tax $42.33, total tax for 1885, $100.55, total tax including delinquency $100.55.

Nash, Job M., 93.57 acres, part Burnett's reserve, north half, sec-

tion 4, township 22, range 6, value of lands $1355, total $1355, first installment with road tax $11.92, second installment without road tax $8.67, total tax for 1885, $20.59, total tax including delinquency $20.59.

145 Q. Is that all that is shown?
A. Yes, sir.
146 Q. Are all these taxes paid?
A. Yes, sir.
147 Q. Does it show anything about chattels?
A. No chattels.
148 Q. What book have you in your hand?
A. Tax duplicate, Union township, Tippecanoe county, Indiana for the year 1885.

Defendant introduces in evidence the following from said record.

Nash, Job M., 31.73 acres, part west half, southeast quarter, section 21, township 22, range 5, value of lands $995, total $995, first installment with road tax $6.37, second installment without road tax $5.37, total tax for 1885, $12.24, total tax including delinquency $12.24.

Nash, Job M., 80 acres, north half, southeast quarter, section 21, township 22, range 5, value of lands $2395, total $2395, first installment with road tax $15.33, second installment without road tax $14.14, total tax for 1885, $29.46 total tax including delin-
1204 quency $29.46.

Nash, Job M., 19.75 acres, part northeast quarter, southwest quarter, section 21, township 22, range 5, value of lands $590, total $590, first installment with road tax $3.78, second installment without road tax $3.48, total tax for 1885, $7.26, total tax including delinquency, $7.26.

Nash, Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of lands $2565, value of improvements $100, total $2665, first installment with road tax $17.66, second installment without road tax $15.72, total tax for 1885, $32.78, total tax including delinquency $32.78.

Nash, Job M., 80 acres, east half, northeast quarter, section 21, township 22, range 5, value of lands $2740, value of improvements $340, total $3080, first installment with road tax $19.71, second installment without road tax $18.17, total tax for 1885, $37.88, total tax including delinquency, $37.88.

148 Q. Is that all shown in this record?
A. Yes, sir.
150 Q. Are those taxes paid?
A. Yes, sir.
151 Q. Does it show anything about chattels?
A. No, sir.
152 Q. What book have you now in your hands?
A. Tax duplicate, Wea township, Tippecanoe county, Indiana, 1885.

Defendant introduces in evidence the following from said record.

1205 Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 22, range 4, value of lands $2875, improvements $200, total $3075, first installment with road tax $19.98, second installment without road tax $17.53, total tax for 1885, $37.51, total tax including delinquency $37.51.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 22, range 4, value of lands $1165, total $1165, first installment with road tax $7.57, second installment without road tax $6.64, total tax for 1885 $14.21, total tax including delinquency $14.21.

Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands, $580, total $580, first installment with road tax $3.77, second installment without road tax $3.31, total tax for 1885, $7.08, total tax including delinquency $7.08.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $575, total $575, first installment with road tax $3.73, second installment without road tax $3.28, total tax for 1885, $7.01, total tax including delinquency $7.01.

153 Q. That is all appears in this record?
A. Yes, sir.
154 Q. Anything shown about chattels?
A. No, sir.
155 —. Have these taxes been paid?
A. Yes, sir.
156 Q. What book have you in your hands?
A. Tippecanoe township, 1885.

1206 Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half southeast quarter, section 12, township 24, range 4, value of lands $2840, total $2840, first installment with road tax $22.43, second installment without *raod* tax $16.76, total tax for 1885, $39.19, total tax including delinquency $39.19.

157 Q. That is all for this record?
A. Yes, sir.
158 Q. Those taxes been paid?
A. Yes, sir.
159 Q. Is there anything said about chattels?
A. No, sir.
160 Q. What book have you in your hand now?
A. A tax duplicate, Wabash township, Tippecanoe county, for the year 1885.

Defendant introduces in evidence the following from said record.

Nash, Job M., 70 acres, part west half, northwest quarter, section 25, township 24, range 5, value of lands $1370, total $1370, first installment with road tax $10.68, second installment without road tax $8.63, total tax for 1885, $19.31, total tax including delinquency $19.31.

Nash, Job M., 5 acres, south half, northwest quarter, southeast quarter, northeast quarter, section 16, township 23, range 5, value of lands $60, total $60, first installment with road tax 47 cents, second installment without road tax 38 cents, total tax for 1885, 85 cents, total tax including delinquency 85 cents.

1207 161 Q. Is that all in this record?
A. Yes, sir.
162 Q. Have those taxes been paid?
A. Yes, sir.
163 Q. Does it show anything about chattels?
A. No, sir.
164 Q. What book have you now in your hand?
A. Tax duplicate, Shelby township, Tippecanoe county, Indiana, for the year 1885.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southwest quarter, section 8, township 24, range 5, value of lands $1235, improvements $400, total $1635, first installment with road tax $12.43, second installment without road tax $8.99, total tax for 1885, $21.42, total tax including delinquency $21.42.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $90, total $90, first installment with road tax 68 cents, second installment without road tax, 49 cents, total tax for 1885, $1.17, total tax including delinquency, $1.17.

Nash, Job M., 6 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $90, total $90, first installment with road tax 68 cents, second installment without road tax 49 cents, total tax for 1885, $1.15, total tax including delinquency $1.17.

165 Q. Is that all that appears?
A. Yes, sir.
1208 166 Q. Anything shown with reference to chattels?
A. No, sir.
167 Q. Thes- taxes show they are paid?
A. Yes, sir.
168 Q. What book have you now in your hands?
A. Tax duplicate, Fairfield township, Tippecanoe county, Indiana, for the year 1886.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres, southwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $1470, total $1470, first

installment eith road tax $11.02, second installment without road tax $7.94, total tax for 1886, $18.96, total tax including delinquency $18.96.

Nash, Job M., 12 acres, part northwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $505, value of improvements $210, total $715, first installment with road tax $5.36, second installment without road tax $3.86, total tax for 1886, $9.22, total tax including delinquency $9.22.

Nash, Job M., 80 acres, east half, southeast quarter, section 33, township 23, range 4, value of lands $2940, total $2940, first installment with road tax $22.05, second installment without road tax $15.88, total tax for 1886, $37.93, total tax including delinquency $37.93.

Nash, Job M., 80 acres, east half, southeast quarter, section 32, township 23, range 4, value of lands $2940, total $2940, first installment with road tax $22.05, second installment without road
1209 tax $15 88, total tax for 1886, $37.93, total tax including deliquency $37.93.

169 Q. Is that all in this record?
A. Yes, sir.
170 Q. Have these taxes been paid?
A. Yes, sir.
171 Q. Does it show anything with reference to chattels?
A. No, sir.
172 Q. What book have you now in your hand?
A. Tax duplicate, Lauramie township, for the year 1886, State of Indiana, Tippecanoe county.

Nash, Job M., 40 acres, southeast quarter, southwest quarter, section 29, township 21, range 3, value of lands $685, total $685, first installment with road tax $5.55, second installment without road tax $4.52, total tax for 1886, $10.07, total tax including deliquency $10.07.

Nash, Job M., 40 acres, southwest quarter, southeast quarter, section 29, township 21, range 3, value of lands $680, total $680, first installment with road tax $5.51, second installment without road tax $4.49, total tax for 1886, $10, total tax including delinquency $10.

173 Q. Is that all that is shown in this record?
A. Yes, sir.
174 Q. Have these taxes been paid?
A. Yes, sir.
175 Q. Show anything about chattels?
A. No, sir.
176 Q. What book have you now?
A. Tax duplicate, Wayne township, Tippecanoe county, Indiana, for the year 1886.

1210 Defendant introduces in evidence the following from said record.

Nash, Job M., 160 acres, part Burnett's reserve, northwest quarter, section 6, township 22, range 6, value of lands $5030, value of improvements $315, total $5345, first installment with road tax $39.55, second installment without road tax $31.55, total tax for 1886, $71.10, total tax including delinquency, $71.10.

Nash, Job M., 93.57 acres, part Burnett's reserve, north half, section 4, township 22, range 6, value of lands $1075, total $1075, first installment with road tax $7.96, second installment without road tax $6.34, total tax for 1886, $14.30, total tax including delinquency, $14.30.

177 Q. Is that all that appears on this record?
A. Yes, sir.
178 Q. Have these taxes been paid?
A. Yes, sir.
179 Q. Does it show anything about chattels?
A. No, sir.
180 Q. What book have you in your hands?
A. Tax duplicate, Union township, Tippecanoe county, Indiana for the year 1886.

Defendant introduces in evidence the following from said record.

Nash, Job M., 31.73 acres, part west half, southeast quarter, section 21, township 22, range 5, value of lands $930, total $930, first installment with road tax $6.23, second installment without road tax $5.49, total tax for 1886, $11.72, total tax including delinquency $11.72.

1211 Nash, Job M., 80 acres, north half, southwest quarter, section 21, township 22, range 5, value of lands $2420, total $2420, first installment with road tax $16.21, second installment without road tax $14.28, total tax for 1886, $30.49, total tax including delinquency $30.49.

Nash, Job M., 19.75 acres, part southeast quarter, southwest quarter, section 21, township 22, range 5, value of lands $595, total $595, first installment with road tax $3.99, second installment without road tax, $3.51, total tax for 1886, $7.50, total tax including delinquency $7.50.

Nash, Job M., 80 acres, west half northeast quarter, section 21, township 22, range 5, value of lands $2500, total $2500, first installment with road tax $16.75, second installment without road tax $14.75, total tax for 1886, $31.50, total tax including delinquency $31.50.

Nash, Job M., 80 acres, east half, northeast quarter, section 21, township 22, range 5, value of lands $2585, value of improvements $315, total $2900, first installment with road tax $19.43, second installment without road tax $17.11, total tax for 1886, $36.54, total tax including delinquency $36.54.

181 Q. Is this all that appears in the record?
A. Yes, sir.

182 Q. Have these taxes all been paid?
A. Yes, sir.
183 Q. Does it show anything with reference to chattels?
A. No, sir.
1212 184 Q. What book have you in your hand?
A. Tax duplicate, Wea township, Tippecanoe county, Indiana, 1886.

Defendant introduces in evidence the following from said record:
Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 22, range 4, value of lands $2940, value of improvements $315, total $3255, first installment with road tax $21.16, second installment without road tax, $18.25, total tax for 1886, $39.39, total tax including delinquency $39.39.
Nash, Job M., 40 acres, northeast quarter, southwest quarter, section 1, township 22, range 4, value of lands $1400, total $1400, first installment with road tax $9.10, second installment without road tax $7.84, total tax for 1886, $16.94, total tax including delinquency $16.94.
Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $735, total $735, first installment with road tax $4.78, second installment without road tax $4.12, total tax for 1886, $8.90, total tax including delinquency $8.90.
Nash, Job M., 19.75 acres, part *w*outheast quarter, northeast quarter, section 2, township 22, range 4, value of lands $725, total $725, first installment with road tax $4.71, second installment without road tax $4.06, total tax for 1886, $8.77, total tax including delinquency $8.77.

185 Q. Is that all that appears in this record?
A. Yes, sir.
186 Q. Are these taxes all paid?
1213 A. Yes, sir.
187 —. Does it show anything about chattels?
A. No sir no chatt*es*.
188 Q. What book have you now in your hands?
A. Tax duplicate, Tippecanoe township, Tippecanoe county, Indiana, for the year 1886.

Defendant introduces in evidence the following from said record:
Nash, Job M., 80 acres, east half, southwest quarter, section 12, township 24, range 4, value of lands $2520, value of improvements $55, total $2575, first installment with road tax $20.34, second installment without road tax $15.71, total tax for 1886, $36.05, total tax including delinquency $36.05.

189 Q. Are these taxes paid.
A. Yes, sir.
190 Q. And don't show anything about chattels?
A. No, sir.

191 Q. What book have you in your hands now?
A. Tax duplicate, Wabash township, Tippecanoe county, Indiana for the year 1886.

Defendant introduces in evidence the following from said record.
Nash, Job M., 70 acres, part west half, northwest quarter, section 25, township 24, range 5, value of lands $1105, total $1105, first installment with road tax $8.18, second installment without road tax $6.85, total tax for 1886, $15.03, total tax including delinquency $15.03.

Nash, Job M., 5 acres, south half, northwest quarter, southeast quarter, northwest quarter, section 16, township 23, range 5,
1214 value of lands $65, total $65, first installment with road tax 48 cents, second installment without road tax 40 cents, total tax for 1886, 88 cents, total tax including delinquency 88 cents.

192 Q. Is that all that is shown in this record?
A. Yes, sir?
193 Q. Are these taxes all paid?
A. Yes, sir.
194 Q. Show anything with reference to chattels?
A. No, sir.
195 Q. What book have you in your hand?
A. Tax duplicate, Shelby township, Tippecanoe county, for the year 1886.

Defendant introduces in evidence the following from said record.
Nash, Job M., 80 acres, east half, southwest quarter, section 8, township 24, range 5, value of lands $1390, value of improvements $65, total $1455, first installment with road tax $7.49, second installment without road tax $8.15, total tax for 1886, $19.64, total tax including delinquency $19.64.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $310, total $310, first installment with road tax $2.45, second installment without road tax $1.74, total tax for 1886, $4.19, total tax including delinquency $4.19.

Nash, Job M., 6 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $105, total $105, first installment with road tax 83 cents, second installment without road tax 59 cents, total tax for 1886, $1.42, total tax including delinquency
1215 $1.42.

196 Q. Is that all that is in these records?
A. Yes, sir.
197 Q. All these taxes paid.
A. Yes, sir.
198 Q. Does it show anything with reference to chattels?
A. No, sir.

The further taking of these depositions is adjourned at 4 o'clock, Saturday, July 20, 1901, until Saturday morning, July 27, 1901.

LAFAYETTE, IND., Saturday, July 27, 1901—10 o'clock a. m.

Parties met and adjourned by agreement until Monday, July 29, 1901.

LAFAYETTE, IND., Monday, July 29, 1901—10 o'clock a. m.

Parties met pursuant to adjournment and the following agreed state of facts is made a part of the evidence in this case as follows, to-wit.

1216 STATE OF INDIANA, } ss:
Warren County, }

In the Warren Circuit Court, —— Term, —.

WILLIAM S. BAUGH, Treasurer Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Deceased, Defendant. } No. —.

The said plaintiff and the said defendant admit that the following facts are true, and this statement thereof may be introduced in evidence, and shall be proof of said facts, and each of them.

1. That the above entitled action was commenced January 8, 1897.

2. That Henry A. Miller was the treasurer of Tippecanoe county, Indiana, when the above entitled action was commenced, and that the plaintiff, William S. Baugh, is now the treasurer of said county and State, and was the successor in said office of treasurer to said Miller.

3. That Job M. Nash died, testate, July 19, 1893, leaving his last will, which will was admitted to probate in and by the probate court of Hamilton county, Ohio, on the first day of August, 1893, and there has been no other probate of said will.

4. That said will is in the words and figures following to-wit:

I, Job M. Nash, of the city and State of New York, being of sound mind and disposing mind and memory, do hereby make and publish this as my last will and testament, hereby revoking and
1217 annulling all other wills and codicile by me hereto made.

Item 1. I give and bequeath to James Buck, of La Fayette, Indiana, and William Augustus Goodman, of Cincinnati, Ohio, and to the survivor and successors of them, the sum of two hundred and sixty-eight thousand dollars, in trust, nevertheless, to be invested by them in good productive personal property, or secured by first mortgage upon good productive real estate, and the net income thereof to be paid semi-annually by them, or the survivors or the successors of them, as follows, to-wit: The net income of one hundred thousand

dollars of said sum to be paid to my wife, Frances V. Nash, during her natural life, and at her death such net income as may in future accrue thereon, together with any portion of such income as may have accrued thereon, and not been paid to her, shall be paid so long as this trust lasts to my sisters Mary E. Wood, Caroline L. Nash, and to my neices, Charlotte G. Bushnell and Mary E. Andress, or to such of them as may be alive at the time of my wife's death, share and share alike, but if either of my said nieces shall have died, and shall have left a child or children, or their descendants, such child or children, or their descendants shall take their parent's share. To my sister, Mary E. Wood, the net income of twenty-five thousand dollars of said sum during her natural life, and at her death such net income as may in future accrue thereon, so long as this trust shall last, together with any income which shall have accrued thereon, and not paid over to her shall be paid to her daughter, Mary E. Andress, and if she shall have died before my sister and shall have left children, or their descendants, then such children, or their descendants, shall take their parent's share. To my sister, Caroline L. Nash, the net income of twenty-five thou-
sand dollars of said sum during her natural life, and at
1218 her death such income as may in future accrue thereon, so long as this trust shall last, together with any interest which may have accrued thereon, and not paid over to her shall be paid to my nieces, Charlotte G. Bushnell and Mary E. Andress, or the survivors of them, share and share alike, and if either of said nieces shall have died before my said sister, and shall have left a child, or children, or their descendants, then such child or children, or their descendants, shall take their parent's share. To my niece, Mary E. Andress, the net income on twenty-five thousand dollars, during her natural life, or if she be dead at the time of my death, then said net income shall be paid to the child or children surviving her, the said Mary E. Andress. To my niece, Charlotte G. Bushnell, the net income on twenty-five thousand dollars of said sum during her natural life and at her death to her child or children, or their descendants, if any, but if she should die, without child or children, such net income shall be paid to my niece, Mary E. Andress, or if she be dead at the time of my death, then to her child or children surviving her. To Ada Nash Wood, daughter of Thomas D. Wood, the net income on twenty-five thousand dollars, of said sum during her natural life, and at her death the net income of said sum to be paid to Charlotte G. Bushnell, and Mary E. Andress during their natural lives, share and share alike, but if either of them shall be dead, then said net income to be paid to the survivor and to the child or children of the one dead such child or children taking only their parent's share. To James Buck, and James Murdock of La Fayette Indiana, the net income on twenty-five thousand dollars of said sum in trust, nevertheless, and I direct that the said James Buck and James Murdock,
who are hereby constituted trustees for that purpose, to pay
1219 out of said net income to my nephew, Jesse K. Wood, in equal quarterly installments, the sum of fifteen hundred dollars

per annum, during his natural life, and at his death, I direct the said James Buck and James Murdock to return any portion of such income as they may have received, and which has not been paid to said Jesse K. Wood, during his life-time, to my trustees James Buck, and William Augustus Goodman, who shall then pay the net income of the said twenty-five thousand dollars and the net income of any sum returned to them by the said James Buck and James Murdock, trustees, to Charlotte G. Bushnell and Mary E. Andress during their natural lives share and share alike, and in the event of the death of either of them then to be paid to the survivor and to the child or children of the one dead, such child or children taking only their parent's share. To the children of Bem Scott, the net income of eight thousand dollars of said sum during their natural lives share and share alike, then the principal to be paid to the heirs of such children. To the children of James Scott, the net income of ten thousand dollars of said sum during their natural lives, share and share alike, then the principal to be paid to the heirs of such children. And I hereby direct that my said trustee- James Buck and William Augustus Goodman shall hold the one hundred bonds of one thousand dollars each, called "The Cincinnati Hospital bonds," bearing 7 3/10 % interest per annum, interest payable semi-annually, which I now own (should I die possessed of them) as a fund, out of which they shall pay to my said wife the net income on said one hundred thousand dollars herein provided for, so long as the same shall remain unredeemed. The trust hereby created shall continue so long as my said wife, and my said sisters, Mary E. Wood and Caroline L. Nash, and the said Charlotte G. Bushnell, Mary E. Andress and Ada Nash Wood, or either of them shall live. And upon death of all the last aforesaid persons, then this trust shall cease and the said sum of two hundred and fifty thousand dollars, together with all the undistributed accumulations thereon, shall be distributed as directed in item No. 2 of this my last will and testament. And this trust shall continue in the said trustees, or the survivor or successors of them. And should my said trustees, or either of them die, resign, or become disqualified, incompetent, or unfit from any cause to act as such trustees during the existence of the trust herein and hereby created, I hereby request and authorize the judge of the circuit court of Tippecanoe county, in the State of Indiana, to designate the successor or successors of James Buck and the probate court of Hamilton county, Ohio, to designate and appoint the successor, or successors of William Augustus Goodman.

1220

Item 2. When the said trust created in item 1 of this will shall cease, as herein provided for, then I direct said sum of two hundred and fifty thousand dollars, together with all the undistributed accumulations thereon shall be distributed as follows, viz:

The one-half to the child or children (or their descendants) of Charlotte G. Bushnell, and the one-half to the child or children (or their descendants) of Mary E. Andress. If Charlotte G. Bush-

nell, or Mary E. Andress, shall die leaving no child or children, or the descendants of such child or children surviving her, then such one-half portion shall go to the child or children of the survivor of them, the said Charlotte G. Bushnell and Mary E. Andress.

Item 3. I give and bequeath the sum of twenty-five thousand dollars to my nephews and nieces, Orville J. Victor Jacob N. Victor, George W. Victor, Mary V. Grimes, Matilda Victor, and
1221 Florence Victor (the children of my sister Gertrude H. Victor, deceased), or the survivors of them, share and share alike, but if any of them shall have died before my death, and shall have left a child or children (or their descendants) such child or children shall take their parent's share.

Item 4. I give and bequeath the sum of twenty-five thousand dollars to my brother Thomas J. Nash, if alive, but if he should be dead at my decease, then I give and bequeath the same to his child or children then living, and the descendants of such as are dead. In each case the descendants of any of his children who may be dead shall take only the share their parents would have taken if alive.

Item 5. I give and bequeath to such of the children of Susan Ellis, of Muskingum county, Ohio, as shall be living at the time of my death, and to the descendants of such as are dead, the sum of ten thousand dollars. In each case the descendants of any of her children who may be dead, shall take only the share *of* their parents would have taken, if alive.

Item 6. I give and bequeath the sum of ten thousand dollars to the children of my late niece, Margaret A. Terry, and to the descendants of any of her children who may be dead: In each case the descendants of any of her children who may be dead shall take only — their parents would have taken if alive.

Item 7. I give and bequeath the sum of ten thousand dollars to the children of Minerva Gorsuch, and to the descendants of any of her children that may be dead. In that case the descendants of any of her children that may be dead shall take only the share their parents would have taken, if alive.

1222 Item 8. I give and bequeath the sum of ten thousand dollars to Debora Horton, Mary E. Horton, Abraham J. Horton, Smith Horton, Marvin Nash Horton, or the survivors of them, share and share alike.

Item 9. I give and bequeath the sum of one thousand dollars to George W. Nash son of my brother, George Nash.

Item 10. I give and bequeath to the wardens and vestrymen of St. John's Protestant Episcopal Church of La Fayette, Indiana, the sum of ten thousand dollars, in trust, nevertheless, to be invested in good, productive personal property, or secured by first mortgage upon good productive real estate, and the net income thereof, shall be by them, semi-annually paid to the rector of said church. And this bequest is made upon the express condition that the sum hereby bequeathed shall never be diminished. And should said sum ever

become diminished by loss, or otherwise, then it shall be the duty of such corporation to make up such loss, and upon failure to do so for a period of two years from the time the same shall have been ascertained, then this bequest shall cease, and the remaining portion shall vest in my sister, Mary E. Wood, if living and if she be dead, in my niece, Mary E. Andress, and her descendants.

Item 11. I give and bequeath the sum of ten thousand dollars to the McIntyre Children's Home of Zanesville, Ohio.

Item 12. I give and bequeath the sum of two thousand dollars to the Good Samaritan Hospital of Cincinnati, Ohio, formerly under the charge of Sister Anthony.

Item 13. I give and bequeath the sum of five thousand dollars to the Widows' home at Ashland avenue and McMillan street, Walnut Hills, Cincinnati, Ohio, and the sum of five thousand dollars to the Old Men's home, located at Ashland avenue and McMillan street, in Walnut Hills, Cincinnati, Ohio.

1223 Item 14. I give and bequeath the sum of ten thousand dollars to the Children's Home of Cincinnati, Ohio.

Item 15. I give and bequeath the sum of ten thousand dollars to the Children's Hospital of the Protestant Episcopal Church of the Diocese of Southern Ohio.

Item 16. I give and bequeath the sum of ten thousand dollars to the Cincinnati orphan asylum, located at the southwest corner of Auburn avenue and Wellington place, Mt. Auburn, Cincinnati, Ohio.

Item 17. I give and bequeath to William R. Coffroth and Bessie Coffroth or to the survivors of them children of my old friend, John R. Coffroth, the sum of two thousand dollars. And in view of the long and intimate acquaintance and friendship between him and myself, I hereby direct my trustees and my executors herein named to retain the said John R. Coffroth, as their legal and confidential adviser.

Item 18. As a token of my respect, I give and bequeath the sum of two thousand dollars to my young friend, Thomas A. Stuart.

Item 19. I give and bequeath the sum of three thousand dollars to my friend James Buck.

Item 20. I give and bequeath the sum of five thousand dollars to my old friend, William Augustus Goodman.

Item 21. I give and bequeath the sum of five thousand dollars to my old friend John R. Coffroth, for the kind acts and favors done to me.

Item 22. I give and bequeath to my trustees and the survivors and successors of them my iron box and iron safe, and other office furniture belonging to me, in my office, to be used by them as such trustees, and no longer.

Item 23. I give and bequeath to my niece Mary E. Andress, my gold watch and chain, for and during her natural life, and
1224 at her death to her eldest son then living, and if no son living, then to her eldest daughter then living. I give and bequeath my diamond pin to Hugh Coffroth Andress.

Item 25. I direct that I be buried where my children are buried in the burial lot I now own at White Plains New York.

Item 26. I give and bequeath to my friend-, John J. Follett and Thomas H. Kelley of Cincinnati, Ohio, the sum of five thousand dollars, for their services and attentions, to me as old friends.

Item 27. I give and bequeath all the residue of my property of every kind and nature whatsoever and wheresoever situate, and not herein (or by codicil hereafter) disposed of including all real estate in the State of Indiana, or elsewhere, to Charlotte G. Bushnell and Mary E. Andress, but if either of them should be dead at my decease, and shall have left no child or children (then to the survivor of them, and if either shall have died leaving a child, or children) then such child, or children, shall take the parent's share.

Item 28. It is my will that in the event of any one or more of these legatees herein named instituting, or causing to *ne* instituted, or counseling or aiding *my* proceedings, or making any attempt whatever to set aside or annul the foregoing will, or any of its provisions, such legatee, or legatees shall be hereby deprived of any and all benefits of this will, and all provisions thereof in his, her or their favor shall be thereby rendered null and void, and all such bequests shall thereafter become a part of my residuary estate.

Item 29. I hereby nominate and appoint as the executors of this my last will and testament, John R. Coffroth and Thomas A. Stuart, of the city of La Fayette, Indiana, and William Augustus Goodman, of Cincinnati, Ohio.

Item 30. Having the most implicit confidence in the hon-
1225 esty and integrity of the executors herein named, and believing that they will faithfully and honestly discharge the duties herein imposed upon them, I hereby direct that said executors shall not be required to give any bond, except as a mere form of law, and solely in that view, they shall each execute a bond with surety, in the sum of one thousand dollars, and no more. And I also hereby direct that the trustees herein named shall not be required to give bond.

Item 31. I leave to the judgment and discretion of the court in which my estate shall be settled, the matter of fixing the compensation for the services which shall be rendered from time to time by the executors and trustees herein named.

Item 32. I give and bequeath the sum of ten thousand dollars to the trustees of Kenyon college, located at Gambiar, in the State of Ohio, to be by them invested in good productive personal securities, or in first mortgages on real estate, and the income thereof shall constitute what shall be known as the Nash scholarship, and so much thereof as shall be necessary shall be the Nash scholarship and so much thereof as shall be necessary, shall be bestowed upon such worthy, but needy students then in college, as shall be selected by the board of trustees in defraying his tuition and living expenses. I further direct that any residue of said income not needed for the tuition and living expenses of such student, shall be invested in the same man-

ner, as the principal, and when the income of such annual accumulations is sufficient to support any other student, then I desire and it is my will that such additional income be applied for that purpose.

In testimony whereof, I have hereunto set my hand and
1226 seal this 23rd day of July, one thousand eight hundred and ninety one.

JOB M. NASH [SEAL.]

Signed, sealed and published by the said Job M. Nash, to be his last will and testament on this 23rd day of July, one thousand eight huudred and ninety-one, in our presence, who at the request of said Job M. Nash, and in his presence, and in the presence of each other have hereunto subscribed our names, as witnesses thereto.

ERNST REHM,
Cincinnati, Ohio.
HOWARD A. SUTTON,
Wyoming, Ohio.

5. That said John R. Coffreth, named in said will, and until his death, -as — citizen and inhabitant of Indiana, and of the United States.

6. That said William A. Goodman was, at and before the making of said will of said Nash, and ever since has been, and still is, an inhabitant and citizen of Cincinnati, in the State of Ohio, and of the United States; and the said James Buck is now, and for more than twenty years last past has been a citizen of the State of Indiana and of the United States.

7. That said William A. Goodman, and John R. Coffroth on the first day of August, 1893, were appointed in and by the probate court of Hamilton county, Ohio, executors of the said last will of Job M. Nash, and on the day last aforesaid took oath and qualified as such in said probate court.

8. That the said James Buck and William A. Goodman, nominated in said will as trustees of the trust of $268,000, mentioned in item 1 of said will, were on the first day of August, 1895, by the order and judgment of the said probate court of Hamilton county, Ohio, appointed and they took oath and qualified as trustees of the said trust created in said item 1, of said will, and that they
1227 are and ever since have been such trustees and said trust still continues.

9. That the final settlement of the estate of Job M. Nash was made by said executors, and was allowed and decalred by the order of said probate court of Hamilton county, Ohio on the — day of November, 1895, and there is not, nor has there been any other administration of said estate, or any part of it.

10. That George A. Jamison is now and was on the first day of January, 1894, and ever since has been the auditor of Tippecanoe county, Indiana, and that on the 4th day of April, 1895, said Jami-

son, as such auditor of said Tippecanoe county addressed a written notice to said John R. Coffroth, and William A. Goodman, as executors of the last will of said Job M. Nash, and to James Buck, trustees of said Nash's estate, and served a copy of said notice on said Goodman, in the State of Ohio, and a copy of said notice on said Coffroth, and a copy of said notice on said Buck, in the city of Lafayette, Indiana. That in said notice the said auditor notified said executors and said Buck, trustee, that he as the said auditor, intended to assess them with and place against them, on the proper tax duplicate of Tippecanoe county, Indiana, according to section eighty-six hundred and sixty-two (8662) Statute- of Indiana, for each of the years, 1881 to 1893, both inclusive, certain personal property, specified in said notice, and because the said property was owned by said Job M. Nash in his lifetime, and had not been returned for taxation, and had been omitted from the tax duplicate, and that the same was taxable in said Tippecanoe county.

11. That all of the said property mentioned in said notice consisted exclusively of stocks, bonds, promissory notes, and
1228 mortgages securing said notes, and of no other property, or thing; and that all of said promissory notes were secured by mortgage, and each and every of said mortgages secured one or more of said notes and the said stocks, bonds, promissory notes, and mortgages were separately described in said notice for each year of said years, 1881 to 1893, both inclusive, in which any of them were in said notice said to be omitted.

12. That on the 7th day of May, 1895, the said Jamison, as auditor as aforesaid, placed on the said tax duplicate of said Tippecanoe county all of the said property mentioned in said notice, and in so doing, placed on said duplicate for each of said years said stocks and such of said bonds, promissory notes, and the mortgages as in said notice were stated to have been omitted for each particular year.

13. That the said auditor, in placing said property on said tax duplicate adjudged and determined that the value of each of said bonds and said promissory notes with the mortgages securing said notes, was of the cash value of each dollar of the unpaid principal of each of said bonds, and that each of said promissory notes with the mortgages securing them, was of the cash value of the unpaid principal of each of said notes, and that the cash value of said stock was the face or par value thereof; and said auditor made and entered on said tax duplicate his said assessment of said property on said basis and value of each of said years, and then and there computed and extended the taxes on said assessment, and on said duplicate for each of the years of 1881 to 1893, both inclusive, in these words and figures:

Owner's name.	Year.	Chattels.	Total tax.
Job M. Nash estate.....	1881	388,190	4,076.00
John R. Coffroth, Wm. A. Goodman, exrs.....	1882	430,940	4,524.87
	1883	445,979	5,396.34
	1884	474,981	5,652.27
James Buck, trustee.....	1885	493,311	5,327.75
.....	1886	559,431	6,041.85
1229	1887	574,041	6,199.64
.....	1888	597,041	6,925.67
.....	1889	621,971	8,396.66
.....	1890	651,904	11,538.70
.....	1891	831,205	13,798.00
.....	1892	671,714	7,724.71
.....	1893	700,791	13,665.42

14. That all the promissory notes and mortgages mentioned in said notice, and assessed by said auditor, were executed in and by inhabitants and citizens of and made payable in the State of Ohio, or of the State of Indiana. That all the promissory notes and mortgages executed in and by citizens of Ohio, and the mortgages securing them were exclusively on lands in Ohio; and that the notes and mortgages executed in and by citizens and inhabitants of Indiana, were made payable in and were executed in Indiana, and the mortgages securing them were on lands wholly in Indiana.

15. That all the stocks and all the bonds mentioned in said notice, and assessed as above stated, were executed and issued by corporations organized under laws of States other than Indiana, and the principal of and interest on all of said bonds and dividends on said stock were made payable outside of Indiana.

16. That the only stock mentioned in said notice, and assessed by said auditor, was assessed at $20,000 for each of the years from 1881 to 1893, both inclusive.

17. That the only bonds mentioned in said notes, and assessed by said auditor, were those executed by the Cincinnati hospital of Cincinnati, Ohio, and were assessed by said auditor at
1230 $100,000, for each of the years 1881 to 1893, both inclusive; those executed by the Cincinnati Southern Railroad Company, and were assessed by said auditor at $25,000 for each of the years 1881 to 1893, both inclusive; those executed by the Newport Waterworks Company of Newport, Kentucky, and assessed by said auditor at $55,000 for each of the years 1881 to 1893, both inclusive; those executed by the South Covington & Cincinnati Street Railroad Company, and assessed by said auditor at $25,000 for each of the years 1881 to 1893, both inclusive; those executed by the Oshkosh Gas Company, of Oshkosh, Wisconsin, and assessed by said auditor at $26,000, for each of the years 1881 to 1893, both inclusive; those executed by the Cincinnati Incline Plane Street Railroad Company, and assessed by said auditor at $50,000 for each of the years 1881 to 1893, both inclusive.

18. That all the said promissory notes payable in Indiana with the mortgages securing the same, and mentioned in said notice, and the assessment thereof made as aforesaid by said auditor during each of said 1881 to 1893, both inclusive, are as follows, with the value of each of the same as fixed by said auditor.

1881.

A. L. Kumler	$1,000.00
Martha J. Todd	600.00
	$1,600.00

1882.

A. L. Kumler	1,000
John Bartly	700
Martha J. Todd	600
	2,300

1883.

A. L. Kumler	1,000
1231 John Bartly	700
Martha J. Todd	600
Mark Crider	600
	$2,900

1884.

A. L. Kumler	$1,000
Thos. McCone	1,500
John Bartly	700
Martha J. Todd	600
Mark Crider	600
Henry Lammers	1,350
Adams Earl	5,000
	$10,750

1885.

A. L. Kumler	$1,000
N. O. Borum	15,000
Martha J. Todd	600
Mark Crider	600
Henry Lammers	1,350
Adams Earl	5,000
	23,550

1886.

A. L. Kumler	1,000
John Shelby	4,000
N. O. Borum	15,000

Martha J. Todd	600
Mark Crider	600
Henry Lammers	1,350
Adams Earl	5,000
Adams Earl	6,000
Minerva S. Fowler	27,000
	60,550

1232 1887.

A. L. Kumler	$1,000
Margaret F. Falvey	2,250
John B. Shelby	4,000
N. O. Borum	15,000
Martha J. Todd	600
Mark Crider	600
Henry Lammers	1,350
Asa Markle	3,700
Adams Earl	5,000
" "	6,000
Minerva S. Fowler	27,000
	66,500

1888.

A. L. Kumler	1,000
Margaret F. Falvey	2,250
John B. Shelby	4,000
Chas. Jones	10,000
Martha J. Todd	600
Henry Lammers	1,350
Asa Markle	3,700
N. O. Borum	1,000
Adams Earl	5,000
" "	6,000
Minerva S. Fowler	27,000
	61,900

1889.

A. L. Kumler	1,000
Margaret F. Falvey	2,250
John Layden	2,500
John B. Shelby	4,000
Chas. Jones	10,000

1233 1889 continued.

Martha J. Todd	600
Henry Lammers	1,350
Asa Markle	3,700
N. O. Borum	1,000

Adams Earl	5,000
" do	6,000
Minerva S. Fowler	27,000
	$64,400

1234 1890.

A. L. Kumler	$1,000
John Layden	2,500
Milton Moran	1,333
John B. Shelby	4,000
Chas. Jones	10,000
Henry Lammers	1,350
Asa Markle	3,700
N. O. Borum	1,000
Adams Earl	5,000
" do	6,000
Minerva S. Fowler	27,000
	$62,883

1891.

John Layden	$2,500
Milton Moran	1,333
N. J. Flaugher	500
D. S. Flaugher	2,600
John B. Shelby	4,000
Chas. Jones	10,000
Henry Lammers	1,350
Asa Markel	3,700
N. O. Borum	1,000
Adams Earl	5,000
" do	6,000
Minerva S. Fowler	27,000
	$64,893

1235 1892.

David Shanklin	$3,200
James Sheedy	2,400
Laura Smanley	1,650
Henry Ansler	2,000
A. B. Storms	650
J. P. O. Johnson	550
A. L. Kumler	1,000
John Layden	2,500
Milton Moran	1,333
N. J. Flaugher	500
D. S. Flaugher	2,600
Chas. Turner	1,200

Susan Meek	1,850
J. C. Greensburg	5,000
John B. Shelby	4,000
Chas. Jones	10,000
Henry Lammers	1,350
John Cutrel	1,650
N. O. Borum	1,000
Adams Earl	5,000
Adams Earl	6,000
Minerva S. Fowler	27,000
	$82,133

1893.

O. H. Smith	$2,500
E. E. Shankwiler	3,500
James Shackelton	1,500
Margaret E. Pierce	1,800
James Sheedy	2,400

1236 1893.

Laura Smauly	1,650
Francis Du Charm	2,250
Caroline White	2,000
Henry Ansler	2,000
Lydia Fisher	4,000
Joel Shirk	1,100
John Casidy	1,500
U. L. Harkrider	2,000
David Shanklan	3,200
D. S. Flaugher	1,500
A. B. Storms	650
J. P. O. Johnson	550
Geo. W. Miller	1,000
D. H. Fullerton	2,000
Milton Moran	1,333
W. J. Flaugher	500
D. S. Flaugher	2,600
Chas. Turner	1,200
Susan Meek	1,850
J. C. Greenburg	5,000
John P. Shelby	4,000
Chas. Jones	10,000
Henry Lammers	1,350
J. L. Cutrell	1,650
N. O. Forum	1,000
Adams Earl	5,000
" do.	6,000
Minerva S. Fowler	27,000
	$105,583

1237 19. That all the said promissory notes made payable in Indiana with the mortgages securing them and all other chattels and personal property of said Nash in Indiana on the 19th day of July, 1893, were on the 2nd day of August, 1893, transferred and delivered in Lafayette, Indiana, to John R. Coffroth, as one of said executors of said last will of Job M. Nash.

20. That all of the said bonds, and all of the said promissory notes executed and made payable in the State of Ohio and the said mortgages securing them and which were transferred and delivered to said William A. Goodman and James Buck as trustees as aforesaid were from the date they constituted a part of said trust fund retained and kept in Cincinnati, Ohio, by the said Goodman as one of said trustees and they were not nor was either of them in the State of Indiana thereafter.

21. That said executors did not return any of said promissory notes payable in Ohio with mortgages securing them for taxation in Indiana.

22. That the said promissory notes payable in Indiana with the mortgages securing them and transferred and assigned to said trustees as aforesaid were brought to and kept in the State of Indiana by and in the possession of the said James Buck as one of said trustees.

23. That all of the said promissory notes executed and made payable in Indiana and the said mortgages securing them and which were transferred and delivered to said trustees, William A. Goodman, and James Buck as aforesaid were from the date they were a part of said trust fund brought to and kept in Indiana by the said Buck, as one of said trustees until the payment thereof.

24. That said trustees as such have not had nor have they 1238 any real estate.

25. That the said trust funds and the administration and management thereof is and has been, since the constitution of said trust fund, divided a part thereof in the possession and management of the said William A. Goodman in the State of Ohio, and a part thereof in the possession and management of said James Buck in the State of Indiana; and each of said trustees has always separately made reports of the respective condition of said trust managed by them respectively to the said probate court of Hamilton county, in the State of Ohio.

26. That ever since the said assessment made by said auditor of Tippecanoe county, as aforesaid, the tax duplicate of said Tippecanoe county, Indiana, containing said assessment has been and now is in the official custody or possession of the said treasurer of said Tippecanoe county, to collect the said taxes assessed as aforesaid; and the said plaintiff, treasurer as aforesaid, claims that all of the trust property in the possession of the said defendant, James Buck, as such trustee has been and is liable to pay said taxes, and the said treasurer as such threatened before the commencement of this action and ever since and still threatens to collect said taxes out of said

trust property; that on the 7th day of January, 1897, the said treasurer of said Tippecanoe county demanded of the said Buck, trustee as aforesaid the payment of said taxes and then and there the said trustee refused and thereupon the said treasurer demanded of said Buck as trustee the delivery by him to said treasurer of said trust property or funds in his possession to enable him the said treasurer to levy on the same to satisfy said taxes and the said trustee
1239 refused.

27. That by the statute laws of the State of New York at and before 1884 to 1893, both inclusive, the city of New York was incorporated and comprised all that part of the State of New York within the bounds of the county of New York, a county in said State.

28. That during the years 1884 to 1892, both inclusive, there were statute laws in the State of New York in force which required that all officers to be elected by the people, in the city and county of New York should be chosen at the general election held in November in each year, which general elections were authorized and held for the purpose of enabling the electors in the said city and county of New York to choose some public officer or officers, under the laws of the State of New York or the United States.

29. That during said years 1884 to 1892, both inclusive, the said statute laws of the State of New York created and authorized in the city and county of New York, in the State of New York, a police department and a head of said police department denominated the board of police, to constitute and continue a bureau in the office of said department of police, and designated the bureau of elections, and the said bureau was required to be managed, conducted and carried on by a person required to be chosen and selected by said board of police who was designated the chief of the bureau of elections, and required the said board of police to cause to be prepared books for the registration of the names and facts required by said statute laws and herein stated, and said books were denominated by the general name of registers, and were required to be ar-
1240 ranged so as to admit of entering under the name of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, as descriptive of location of the dwelling place as enabled it to be readily ascertained, of the names of all male persons resident in each dwelling in each of said districts who applied for registration; and such register was required to be ruled in parallel columns, in which, opposite to and against the name of every applicant was required to be entered the words and figures required and herein in this statement stated, and were required to be of such size as to contain not less than 700 names, and so prepared as that they could be used at each election in the said city and county of New York, until the succeeding general registration, and had to be, on the inside, in appearance and form — follows, to wit:

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Residence.	Room number.	Address.	worn.	Nativity.	Color.	Term of residence.			Naturalized.	Date of papers.	Court.	Qualified voter.	Date of application.	Why disqualified.	Date of erasing name.	Voted November.	Voted April.	Challenge.	Remarks.
						Assembly district.	County.	State.											
141 East 32d St.	..	Hill, Jno. H..	Yes.	Engl'd.	White	5 mos..	15 mos	6 years.	Yes....	May 17, 1871	Sup. N. Y.	Yes.	March 16, 1872						
		Stevens, Benj.	Yes.	Ga.....	Col...	1 year..	1 year..	2 years.	Native.	... .	... .	Yes.	March 15, 1872						
		Dawson, Wm.	Yes.	Canada.	White	22 mos.	4 years.	10 years	Yes....	Oct. 30, 1868	Sup. N. Y.	Yes.	March 30, 1872						
143 do. do.																			
150 Third Ave.																			
152 do. do.																			

1242 30. That the said statute laws in force during the years 1884 to 1892, both inclusive, in the State of New York, divided the territory in the said city and county of New York into assembly and election districts and fixed the boundaries thereof and also during all the said years declared that all male persons of the age of twenty-one years old or over and who have been for two years residents and citizens of the State of New York and thirty days residents of the city and county of New York next before any registration of voters in the said city and county of New York were entitled to be registered and if registered according to law and as herein stated to vote at the election and places provided by said statute and as herein stated.

31. That said statute laws of New York during said years 1884 to 1892, both inclusive, required the said chief of bureau of elections to prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks, and instructions for the use of said inspectors of elections; to provide for the furnishing of such officers therewith, and with all necessary supplies; to have and retain the custody of all of said registers and copies thereof, all oaths of office and of removal, and all records, papers, and certificates of every kind and nature pertaining to the affairs of his bureau, the conduct of any registration of election, or of any election; and to have charge of the fitting up of polling places, and that the said chief of the bureau of elections was invested with the right, subject to the approval of the board of police, to appoint a chief clerk, and such other clerical assistance as, in the judgment of said board should be necessary and proper for the faithful performance by the bureau of elections of the duties imposed on said bureau.

1243 32. That said statute laws of New York during said years 1884 to 1892, both inclusive, required that there should be inspectors of election and all inspectors of election in the said city and county of New York should be selected and appointed by the said board of police, annually in the month of August and September succeeding in each year for each election district in said city and county, to select to serve as inspectors of election during the years 1884 to 1891, both inclusive, four persons and during the year 1892 three persons who were citizens of the State of New York and of the United States, for each of said election districts in said city and county of New York, and that the persons so selected were required to be notified, examined as to their qualifications and if approved by and before the said chief of the bureau of elections each of them was required to take and subscribe an oath before said chief of the bureau of elections to faithfully discharge the duties of the office of inspector of elections for the election district of the assembly district of the city and county of New York for which each of them was selected; and that the inspectors so nominated, approved and sworn into office should receive a certificate of his appointment from the said board of police and said certificate to specify the assembly and election district in and for which the person to whom the same was

issued was appointed to serve and the date of the expiration of his term of office and said inspector was to hold office for one year, and that the inspectors of each election district in the city and county of New York, were empowered while discharging any of the duties imposed upon them, and had full authority to preserve order and enforce obedience to their lawful commands at and around
1244 the place of registration or election during the time of any registration or election or canvass, estimate or return of votes; to prevent disturbances or interruption of work of registration, voting estimate or return of votes; to protect votes, registers, poll books, ballots, from violence or harm.

33. That said statute law of New York during the years 1884 to 1892, both inclusive, provided and declared that there should, in the said city and county of New York, be a general registration of the qualified voters resident in each election district in said city and county of New York at these times only: On Tuesday four weeks, the Wednesday of the third week, and the Friday and Saturday of the second week preceding the day of the November elections, in each year, and that the said inspectors of election were required at the times designated for a general registration, to meet in their respective election districts, at the place which, shall be designated therein for such meetings and at such times in each election district the said inspectors of election should openly and publicly do and perform the following acts, viz:

1. To organize, as above, by selecting one of their number to act as chairman; 2, receive the applications for registration of such male residents of their several election districts as there are, or on the day of election next following the day of making such application, would be, entitled to vote therein, and who were personally present themselves, and such only; 3, to remain in session on each of said days between the hours of eight o'clock in the morning and nine o'clock in the evening, and administer, to all persons who personally appeared to register, the following oath or affirmation, viz:

"You do solemnly swear (or affirm) that you will fully and
1245 truly answer all such questions as shall be put to you, touching your place of residence, name, place of birth, your qualifications as an elector and your right as such to register under the laws of this State."

4th. To examine each applicant as to his qualifications as an elector, and, if qualified as provided by law and in this statement shown, and immediately, and in the presence of the applicant, to enter in the registers, the statements and acts below set forth, and in the manner following, viz: First, under the column "Residence," the name and number of the street, avenue or other location of the dwelling, if there be a number of the same, but if there be no number, a description of the location, and if there be more than one house at the number and more than one family there; the floor upon which the applicant was living. Second, under the column "Address," the name of the applicant, giving the surname and Chris-

tian name in full; but the names of all persons residing in the same dwelling to follow each other and be under the street and house number, or other description as provided by the dwelling.

Third. Under the column of "Sworn,', the word "yes" or "no" as the fact was.

Fourth. Under the column of "Nativity," the State, county, kingdom, empire, or dominion, as the fact was stated to be by the applcant.

Fifth. Under the column of "Color," the word "white" or "colored" as the fact was.

Sixth. Under the subdivisions of the general column of term of "residence," the period by months or years stated by the applicant, in response to the inquiries made for the purpose of ascertaining his qualification and filling such column.

Seventh. Under the column of "Naturalized," the words "yes" or "no" or "native," as the fact was stated.

1246 Eighth. Under the column of "Date of papers," the date of naturalization, if naturalized, as the same appeared by the evidence of citizenship submitted or presented by the applicant.

Ninth. Under the column of "Court," the designation of the court in which, if naturalized, such naturalization was done, as the same appeared by the evidence of citizenship so presented by the applicant.

Tenth. Under the column of "Qualified voter," the "yes" or "no" as the fact appeared and was determined by at least a majority of the board of inspectors of election.

Eleventh. Under the column of "Date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter to the election district.

34. The said statute law of the State of New York during the years 1884 to 1892, both inclusive, required the inspectors of elections in each election district on each day of any general registration, before adjourning, to enter in each of two books prepared for that purpose, one of which was and should be known as the public copy of the registers, and the other of which was called and should be known as the election bureau copy of the registers, all such names and residences, and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided as herein stated in this statement; and the whole six books being those kept one by each of said inspectors, and the two copies above named, were required, on each of said days, after the completion of such copies of the registers, to be carefully compared throughout, so that each of the registers, and copies thereof, agree in every respect, with each other, and contain the name and residence

1247 of each person who had applied for registration, and the facts respecting him, as had been stated and entered in the registers as provided by law and as herein stated; and the inspectors were required, on the last day of any general registration, to certify of each of said copies in the same manner as if it were an original,

and within forty-eight hours after their adjournment on said last day of any such general registration they were required to file the election bureau copy of the registers with the chief of the bureau of election at his office where the same were required to be carefully preserved, and that said inspectors of elections in each election district in the city and county of New York were required, in a place to be provided therefor, on each of said registers, to fill up, date, and each sign with his name the appropriate and proper certificate, which shall be either printed or written, and was in the words and figures following, to wit:

"We, the undersigned inspectors of election, in the —— election district of the —— assembly district of the city and county of New York, do jointly and severally certify that at the general registration of voters held in said election district, the names which — in this book were entered as of said days and that the number of such —— registered qualified voters was and is ——."

"Dated New York, ——, 18—.

—— ——.
—— ——.
—— ——.
—— ——.

35. And the said inspectors of election in each election district in the city and county of New York, were by said statute of the
1248 State of New York, during the years 1884 to 1892, both inclusive, required after making and signing said certificate retained and carefully preserved all of said registers—each inspector retaining the book which he made or of which he had the custody and care on the days of any registration—for their use on the day of the next ensuing election, the public copy of the registers they were required at the close of their proceedings on each day of any general registration, — leave suspended in the place where such registration was conducted, where it was required to remain until the next meeting of the said inspectors, whether such meeting be for the purpose of registration or election, to the end that the same might be inspected and copied by any elector in said city and county; but on the day of any election the said inspectors were required to take possession of said public copy, and the chairman was required to closely retain the same throughout the said day, returning it to the chief of the bureau of elections as required, for the return of the registry kept by him and with said register; and said copy was required to be by the said chief of the bureau of elections *be* retained and preserved and filed in said bureau and the inspectors of election in each election district of the city and county of New York were also required on the day of any election therein, to have with them at the polling place in said districts the registers as provided for and stated herein by said statute laws; and they were each required to make use of one of said registers for guidance on said day, and no vote was to be received from any person whose name was not found by at

least three of said inspectors to be upon at least three of said registers as a qualified voter; and the chairman of said inspectors in each election district was required, if present, and if absent, then
1249 one of the other inspectors was required upon any person offering to vote, to announce in a loud, clear and distinct manner the name of such person, and no ballots were allowed to be received by either of the inspectors, or deposited in any of the ballot boxes until at least three of said inspectors had examined and found the name and residence of such person, and had disclosed the same, and that such person was entered as a qualified voter; when, if the vote of said person was received, at least three of the inspectors were required to write in the appropriate column bearing the heading "Voted," and opposite to the name and residence of such person, the word "yes;" and each of said inspectors were required to note on the register in his possession in a suitable and separate part thereof, the name and residence of each and every person, if any, whose vote had been received in contravention of the manner of said statute laws as herein mentioned, and the name of the inspector or inspectors, if any, who had so received or deposited in the ballot boxes, any such vote, and each of said inspectors was required, immediately on close of the polls on the day of election, to compare the said registers as kept by them and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they served, to leave said registers at the office of the chief of the bureau of elections, who was required to file and preserve the same; and in no election district in said city and county of New York was any inspector, who had custody or charge of either of the registers ever to permit said register to leave his possession from the time of receiving custody of the same until he had filed the same as herein stated he should.

36. That the said statute laws in force in the State of New
1250 York during the years 1881 to 1892, both inclusive, required the board of police of the city and county of New York to designate and appoint the place of registry and polling place in each of the election districts of the city and county of New York, and to hire all such places and to cause them to be fitted up, and the work of registration was required to be carried on at the places so designated for such purposes; and all powers, authority, and duties prescribed for or conferred upon, and all action required by the said inspectors of election or of a board of said inspectors of election, save where such authority or action was specifically allowed to each of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district was required in all cases to be obtained, and all data and registers and records of every kind and nature which were by law or by any order of the board of police of the city of New York, required to be made, ascertained, or kept by, or returned to or filed with the chief of the bureau of elections were required to be at all times during office hours, open to the inspection, examination, comparison, and copying of any citizen or elector, free of any charge whatever; and

the several offices of said inspectors of election were and were required to be in all courts and proceedings deemed and held to be election district offices and it was required that said inspectors of elections, or a majority of said inspectors, should be in constant attendance during the hours and times fixed for the discharge of their several duties, and in each election district in said city and county of New York, the said inspectors of election were required immediately, after the close of the polls, on the day of any election, before pro-
1251 ceeding with the canvass of the ballots in any box, to write in ink opposite to and against the name of each person entered on their register, who was not shown by said registers to have voted, and in a column headed "Voted," the word "no," so that the said column was wholly filled up, and the said inspectors were then required to compare the said registers, make them agree, and ascertain the number of persons who by them were shown to have voted at that poll that day; and when they had made comparison and ascertained such fact, the chairman was required to announce the same in a loud voice, and as soon as the poll of an election had been finally closed, the inspectors of election in their several election districts, were required immediately, and at the places of the poll, to proceed to canvass the votes, and to do so they were to open the ballot boxes, count and open the ballots therein—and make three statements of the result of the said canvass and count of the votes and within twenty-four hours after said statements had been made and subscribed by them one of said statements was required to be delivered to the said chief of the bureau of elections by one of said inspectors.

Dated this 29th day of July 1901.

B. W. LANGDON,
Att'y for Def't.
JOHN M. LaRUE,
HANLY & WOOD,
Att'ys for Pl'ff.

1252 STATE OF INDIANA, County of Warren, } ss:

WILLIAM S. BAUGH, Treasurer of Tippecanoe County, Indiana, Plaintiff,
vs.
JAMES BUCK, Trustee of the Trust Created by the Will of Job M. Nash, Deceased, Defendant. } No. —.

The said plaintiff and the said defendant admit that the following facts are true and that this statement thereof may be introduced in evidence and shall be proof of said facts and each of them:

1. That the total tax rate for the taxes levied and assessable in Tippecanoe county, in the State of Indiana, for each of the following years were as follows:

1881, $1.05 on the $100.
1882, $1.05 " " "
1883, $1.21 " " "
1884, $1.19 " " "
1885, $1.08 " " "
1886, $1.08 " " "
1887, $1.08 " " "
1888, $1.16 " " "
1889, $1.35 " " "
1890, $1.77 " " "
1891, $1.66 " " "
1892, $1.15 " " "
1893, $1.95 " " "

2. That on the 17th day of August, 1895, the said James Buck and William A. Goodman, trustees under the said will of said Job M. Nash, filed, in the Tippecanoe circuit court of Tippecanoe
1253 county, in the State of Indiana, their complaint against said Henry A. Miller, then treasurer of said county of Tippecanoe, to enjoin the collection of the taxes placed by said auditor upon said tax duplicate, as hereinbefore set out, which said complaint reads in the words and figures following, to-wit:

1254 STATE OF INDIANA, } ss:
Tippecanoe County, }

In the Circuit Court, to the September Term, 1895.

JAMES BUCK and WILLIAM A. GOODMAN, Trustees Under the Will of Job M. Nash, Deceased, Plaintiffs,
vs.
HENRY A. MILLER, Treasurer of Tippecanoe County, Indiana, Defendant.

The plaintiffs complain of the defendants and say:

Par. 1. That the defendant, Henry A. Miller, is now and has been for more than one year last past the duly elected, qualified and acting treasurer of Tippecanoe county, Indiana. That Job M. Nash died testate on the 19th day of July 1893, in the State of New York, leaving his last will and testament which was on the 1st day of August, 1893, produced for probate in the probate court of Hamilton county, Ohio, and on the day last aforesaid said will by the judgment of said court was duly admitted to probate. And the plaintiffs file herewith a copy of the record of said will and the probate thereof marked Exhibit "A" and make the same a part of this complaint reading as follows, to-wit:

(EXHIBIT "A.")

The Last Will and Testament of *the* Job M. Nash, Deceased.

Pleas at the court house, in Cincinnati, in the county of Hamilton and State of Ohio, of the Hamilton probate court at a session thereof held at the place aforesaid, on the first day of August in the year of our Lord one thousand eight hundred and ninety-three, before the Honorable Howard Ferris, sole judge of said court.

1255 THE STATE OF OHIO, } ss:
Hamilton County, }

Hamilton Probate Court.

Be it remembered, that on the first day of August in the year of our Lord one thousand eight hundred and ninety-three, the last will and testament of Job M. Nash, late of this county, deceased, was presented to this court for probate and record clothed in the words and figures following, to-wit: I, Job M. Nash, of the city and State of New York, being of sound and disposing mind and memory, do hereby make and publish this my last will and testament hereby revoking and annulling all other wills and codicils by me heretofore made. Item 1. I give and bequeath to James Buck of Lafayette, Ind., and William A. Goodman, of Cincinnati, Ohio, and to the survivor and successors of them the sum of two hundred and sixty-eight thousand dollars in trust nevertheless, to be invested by them in good productive personal property or secured by first mortgage upon good productive real estate, and the net income thereof to be paid semi-annually by them or the survivors or the successors of them, as follows, to-wit: The net income of one hundred thousand dollars of said sum to be paid to my wife, Francis V. Nash, during her natural life, and at her death such net income as may in future accrue thereon together with any portion of such income as may have accrued thereon, and not been paid to her, shall be paid so long as this trust lasts, to my sisters Mary E. Wood, Caroline L. Nash, and to my nieces Charlotte G. Bushnell and Mary E. Andress, or to such of them as may be alive at the time of my wife's death, share and share alike, but if either of my said nieces shall have died, and shall have left a child or children, or their descendants, such child or children, or their descendants shall take their parent's share.

To my sister Mary E. Wood the net income of twenty-
1256 five thousand dollars of said sum during her natural life, and at her death such net income as may in future accrue thereof so long as this trust shall last together with any income which shall have accrued thereof and not paid over to her shall be paid to her daughter, Mary E. Andress, and if she shall have died before my said sister and shall have left children or their descendants, then such

children or their descendants shall take their parents' share. To my sister Caroline L. Nash the net income on twenty-five thousand dollars of said sum during her natural life, and at her death such income as may in future accrue thereon so long as this trust shall last together with any interest which may have accrued thereon and not paid over to her shall be paid to my nieces Charlotte G. Bushnell and Mary E. Andress or the survivor of them, share and share alike, and if either of said nieces shall have died before my said sister and shall have left a child or children or their descendants then such child or children or their descendants shall take their parents' share. To my niece Mary E. Andress the net income on twenty-five thousand dollars, during her natural life, or if she be dead at the time of my death, then said net income shall be paid to the child or children surviving her, the said Mary E. Andress. To my niece Charlotte G. Bushnell the net income on twenty-five thousand dollars of said sum during her natural life and at her death to her child or children, or their descendants, if any, but if she should die without child or children, such net income shall be paid to my niece Mary E. Andress, or if she be dead at the time of my death then to her child or children surviving her. To Ada Nash Wood, daughter of Thomas D. Wood, the net income on twenty-five thousand dollars of said sum during her natural life and at her death the net income of
1257 said sum to be paid to Charlotte G. Bushnell and Mary E. Andress during their natural lives, share and share alike, but if either of them shall be dead then said net income to be paid to the survivor, and to the child or children of the one dead such child or children taking only their parents' share. To James Buck and James Murdock of La Fayette, Ind., the net income on twenty-five thousand dollars in trust, nevertheless, and I direct that the said James Buck and James Murdock who are hereby constituted trustees for that purpose to pay out of said net income to my nephew Jesse K. Wood in equal quarterly installments the sum of fifteen hundred dollars per annum during his natural life, and at his death I direct the said James Buck and James Murdock to return any portion of such income as they may have received, and which has not been paid to Jesse K. Wood during his lifetime to my trustees James Buck and William Augustus Goodman, who shall then pay the net income of the said twenty-five thousand dollars and the net income of any sum returned to them by the said James Buck and James Murdock trustees, to Charlotte G. Bushnell and Mary E. Andress during their natural lives share and share alike, and in the event of the death of either of them then to be paid to the survivor and to the child or children of the one dead, such child or children taking only their parents' share. To the children of Bem Scott, the net income of eight thousand dollars of said sum during their natural lives share and share alike, then the principal to be paid to the heirs of such children. To the children of James Scott, the net income of ten thousand of said sum during their natural lives, share and share alike, then the principal to be paid to the heirs of said children. And I

hereby direct that my said trustee- James Buck and William Augustus Goodman shall hold the one hundred bonds of one
1258 thousand dollars each, called "the Cincinnati Hospital bonds," bearing 7 3/10 per cent. interest per annum, interest payable semi-anually, which I now own (should I die possessed of them) as a fund, out of which they shall pay to my said wife, the net income on said one hundred thousand dollars herein provided for, so long as the same remain unredeemed. The trust hereby created shall continue so long as my said wife and my said sisters Mary E. Wood, and Caroline L. Nash and the said Charlotte G. Bushnell, Mary E. Andress and Ada Nash Wood or either of them shall live. And upon the death of all the last aforesaid persons, then this trust shall cease and the said two hundred and fifty thousand dollars, together with all the undistributed accumulations thereon, shall be distributed as directed in item No. two of this my last will and testament. And this trust shall continue in the said trustees or the survivor or the successors of them. And should my said trustees or either of them die, or resign or be disqualified, incompetent, or unfit from any cause to act as such trustees during the existence of the trust herein and hereby created, I hereby request and authorize the judge of the circuit court of Tippecanoe county in the State of Indiana to designate the successor or successors of James Buck and the probate court of Hamilton county, Ohio, to designate and appoint the successor or successors of William Augustus Goodman.

Item 2. When the said trust created in item 1 of this will shall cease, as herein provided for, then I direct said sum of the two hundred and fifth thousand dollars together with all the undistributed accumulations thereon shall be distributed as follows, viz: The half to the child or children (or their descendants) of Charlotte G. Bushnell, and the one-half to the child or children (or their de-
1259 scendants) of Mary E. Andress. If said Charlotte G. Bushnell or Mary E. Andress, shall die leaving no child or children or the descendants of such child or children surviving her, then such one-half portion shall go to the child or children or the survivor of them, the said Charlotte G. Bushnell and Mary E. Andress.

Item 3. I give and bequeath the sum of twenty-five thousand dollars to my nephews and nieces, Orville J. Victor, Jacob N. Victor, George W. Victor, Mary V. Grimes, Matilda Victor and Florence Victor (the children of my sister Gertrude H. Victor, deceased) or the survivors of them share and share alike, but if any of them shall have died before my death and shall have left a child or children (or their descendants) such child or children shall take their parents' share.

Item 4. I give and bequeath the sum of twenty-five thousand dollars to my brother Thomas J. Nash, if alive, but if he should be dead at my decease, then I give and bequeath the same to his child or children then living, and the descendants of each of such as are

dead. In each case the descendants of any of his children who may be dead shall take only the share their parents would have taken if alive.

Item 5. I give and bequeath to such of the children of Susan Ellis of Muskingum county, Ohio, as shall be living at the time of my death, and to the descendants of such as are dead, the sum of ten thousand dollars. In each case the descendants of any of her children who may be dead, shall take only the share their parents would have taken if alive.

Item 6. I give and bequeath the sum of ten thousand dollars to the children of my late niece Margaret A. Terry, and to the descendants of any of her children who may be dead. In each case the descendants of any of her children who may be dead shall take only the share their parents would have taken if alive.

1260 Item 7. I give and bequeath the sum of ten thousand dollars to the children of Minerva Gorsuch and to the descendants of any of her children that may be dead. In that case the descendants of any of her children who may be dead shall take only the share their parents would have taken if alive.

Item 8. I give and bequeath the sum of ten thousand dollars to Debora Horton, Mary E. Horton, Abraham J. Horton, Smith Horton, Marvin Nash Horton, or to the survivors of them share and share alike.

Item 9. I give and bequeath the sum of one thousand dollars to George W. Nash, son of my brother George Nash.

Item 10. I give and bequeath to the wardens and vestrymen of St. Johns Protestant Episcopal church of La Fayette, Ind., the sum of ten thousand dollars, in trust nevertheless, to be invested in good productive personal property or secured by first mortgage upon good productive real estate, and the net income thereof, shall be by them, semi-annually paid to the rector of said church. And this bequest is made upon the express condition that the sum hereby bequeathed shall never be diminished. And should said sum ever become diminished by loss or otherwise then it shall be the duty of such corporation to make up such loss and upon failure to do so for a period of two years from the time the same shall have been ascertained, then this bequest shall cease and the remaining portion shall vest in my sister Mary E. Wood, if living, and if she be dead, in my niece Mary E. Andress and her descendants.

Item 11. I give and bequeath the sum of ten thousand dollars to the McIntyre children's home of Zanesville, Ohio.

Item 12. I give and bequeath the sum of ten thousand dollars to the Good Samaritan hospital of Cincinnati, Ohio, formerly under the charge of Sister Anthony.

1261 Item. 13. I give and bequeath the sum of five thousand dollars to the Widows' home at Ashland avenue and McMillan street, Walnut Hills, Cincinnati, Ohio, and the sum of five thousand dollars to the Old Men's home, located at Ashland avenue land McMillan street in Walnut Hills, Cincinnati, Ohio.

Item 14. I give and bequeath the sum of ten thousand dollars to the Children's Home of Cincinnati, Ohio.

Item 15. I give and bequeath the sum of ten thousand dollars to the Children's Hospital of the Protestant Episcopal Church of the Diocese of Southern Ohio.

Item 16. I give and bequeath the sum of ten thousand dollars to the Cincinnati orphan asylum, located at the southwest corner of Aubern avenue and Wellington place, Mt. Auburn, Cincinnati, Ohio.

Item 17. I give and bequeath to William R. Coffroth and Bessie Coffroth or the survivors of them children of my old friend John R. Coffroth, the sum of two thousand dollars. And in view of the long and intimate acquaintance and friendship between him and myself, I hereby direct my trustees and executors herein named to retain the said John R. Coffroth as their legal and confidential adviser.

Item 18. As a token of my respect I give and bequeath the sum of two thousand dollars to my young friend Thomas A. Stuart.

Item 19. I give and bequeath the sum of two thousand dollars to my friend James Buck.

Item 20. I give and bequeath the sum of five thousand dollars to my old friend William Augustus Goodman.

Item 21. I give and bequeath the sum of five thousand dollars to old friend John R. Coffroth for the kind acts and favors done to me.

Item 22. I give and bequeath to my trustees and the sur-
1262 vivors and successors of them my iron box and iron safe, and other office furniture belonging to them, in my office, to be used by them as such trustees and no longer.

Item 23. The provisions herein made for my wife Frances V. Nash, I hereby declare to be in lieu of all her right, title and interest in my estate, either real or personal.

Item 24. I give and bequeath to my niece Mary E. Andress my gold watch and chain for and during her natural life, and at her death to her eldest son then living, and if no son living, then to her eldest daughter then living. I give and bequeath my diamond pin to Hugh Coffroth Andress.

Item 25. I direct that I be buried where my children are buried in the burial lot I now own at White Plains, New York.

Item 26. I give and bequeath to my friend John E. Follet and Thomas H. Kelley of Cincinnati, Ohio, the sum of five thousand dollars for their kind services and attention to me as old friends.

Item 27. I give and bequeath all the residue of my property of every kind and nature whatsoever and wheresoever situate, and not herein (or by codicil hereafter) disposed of including all real estate in the State of Indiana or elsewhere to Charlotte G. Bushnell and Mary E. Andress, but if either of them should be dead at my decease and shall have left no child or children (then to the survivor of them, and if either of them shall have died leaving a child or children) then such child or children shall take the parents' share.

Item 28. It is my will that in the event of any one or more of the legatees herein named instituting or causing to be instituted or counselling or aiding any proceedings or making any attempt
1263 whatsoever to set aside or annul the foregoing will or any of its provisions, such legatee or legatees shall be hereby deprived of any and all benefits of this will, and all provisions thereof in his, her or their favor shall be thereby rendered null and void, and all such bequests shall thereafter become a part of my residuary estate.

Item 29. I hereby nominate and appoint as the executors of this my last will and testament, John R. Coffroth and Thomas A. Stuart of the city of La Fayette, Ind., and William Augustus Goodman of Cincinnati, Ohio.

Item 30. Having the most implicit confidence in the honesty and integrity of the executors herein named, and believing that they will faithfully and honestly discharge the duties herein imposed upon them, I hereby direct that said executors shall not be required to give any bond except as a mere form of law, and solely in that view, they shall each execute a bond with surety, in the sum of one thousand dollars and no more. And I also hereby direct that the trustees herein named shall not be required to give bond.

Item 31. I leave to the judgment and discretion of the court in which my estate shall be settled the matter of fixing the compensation for the services which shall be rendered from time to time by the executors and trustees herein named.

Item 32. I give and bequeath the sum of ten thousand dollars to the trustees of Kenyon college, located at Gambier in the State of Ohio, to be by them invested in good productive personal securities or in first mortgages on improved real estate, and the income thereof shall constitute what shall be known as the Nash scholarship and so much there of as shall be necessary shall be be-
1264 stowed upon such worthy but needy student then in college, as shall be selected by the board of trustees in defraying his tuition and living expenses. I further direct that any residue of said income not needed for the tuition and living expenses of such student shall be invested in the same manner as the principal, and when the income of such annual accumulations is sufficient to support another student, then I desire and it is my will, that such additional income be applied for that purpose.

In testimony whereof, I have hereunto set my hand and seal, this twenty-third day of July, one thousand eight hundred and ninety-one.

JOB M. NASH. [SEAL.]

Signed, sealed and published by the said Job M. Nash to be his last will and testament on this twenty-third day of July, one thousand eight hundred and ninety-one, in our presence, who at the request of said Job M. Nash, and in his presence and in the presence

of each other have hereunto subscribed our names as witnesses thereto.

ERNST REHM,
Cincinnati, Ohio.
HOWARD A. SUTTON,
Wyoming, Ohio.

Thereupon on the first day of August one thousand eight hundred and ninety-three, Ernst Rehm and Howard A. Sutton, the subscribing witnesses of the last will and testament of Job M. Nash, late of this county, deceased, appeared in open court and were duly sworn and examined according to law, touching the due execution of said will, and their testimony was reduced to writing and filed in manner and form following, to-wit:

1265 STATE OF OHIO, } ss:
Hamilton County, }

Hamilton Probate Court.

Probate of the Last Will of Job M. Nash, Deceased, Presented on the First Day of August, A. D. 1893.

Personally appeared in open court Ernst Rehm and Howard A. Sutton, the subscribing witnesses to the last will and testament of Job M. Nash, deceased, who being duly sworn, according to law, to speak the truth and nothing but the truth in relation to the execution of said will, depose and say that they were present at the making of said will, and at the request of the deceased, subscribed their names to said will as witnesses in the presence of the deceased, and of each other; that they saw the said Job M. Nash, deceased, sign and seal said will, and heard him acknowledge the same to be his last will and testament; that the said Job M. Nash was at the time of making, signing and sealing said will, of legal age and of sound and disposing mind and memory and under no undue or unlawful restraint whatsoever.

ERNST REHM.
HOWARD A. SUTTON.

Sworn to and subscribed in open court, this first day of August, A. D. 1893.

HOWARD FERRIS,
Probate Judge.

And thereupon on the first day of August, A. D. 1893, our said court made an order herein as follows, to-wit:

The Last Will and Testament of Job M. Nash, Deceased.

Probate, &c.

The last will and testament of Job M. Nash late o[illegible]is county, deceased, was this day presented to the court for probate and
1266 record, and it appearing to the court that decedent died leaving no widow and no next of kin, resident of Ohio, him surviving, thereupon came into open court Ernst Rehm and Howard A. Sutton the subscribing witnesses to said will, and were duly sworn and examined and their testimony reduced to writing and filed.

And it appearing to the court from the testimony so taken that said will was duly executed and attested, and that at the time of executing same the testator was of legal age, sound mind and memory and not under any restraint, the court now admits the said will of Job M. Nash, deceased, to probate and order the same, together with the testimony so taken to be recorded according to law.

On application the court grants unto John R. Coffroth and William A. Goodman letters testamentary under said will, and they being named executors therein, Thomas A. Stuart the other executor therein named having departed this life; whereupon the said John R. Coffroth and William A. Goodman in open court accepted said appointment, filed an estimate of the whole estate of said decedent, and presented their individual bonds as such executors, in the sum of one thousand dollars each, with John F. Follet and Charles H. Ankeney as sureties, which bonds are now approved by the court. And J. V. Guthrie, T. B. Collier and S. H. Burton are appointed appraisers. Letters issued.

HOWARD FERRIS,
Probate Judge.

THE STATE OF OHIO, } ss:
Hamilton County, }

Probate Court.

I, Howard Ferris, sole judge and *ex-officio* clerk of the probate court within and for the county aforesaid, do hereby certify the foregoing to be a true and correct copy of the original last will
1267 and testament of Job M. Nash, deceased, and of the order of our said court admitting said will to probate and record together with all the proceedings in connection therewith, as the same appears from the records and files of said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court at Cincinnati, this 19th day of July, A. D. 1895.

HOWARD FERRIS,
Probate Judge and *Ex-officio* Clerk.

THE STATE OF OHIO, } ss:
Hamilton County, }

Probate Court.

I, Howard Ferris, sole judge of the probate court, within and for said county, the same being a court of law and record, hereby certify that the signature attached to the above certificate purporting to be that of Howard Ferris, is his genuine signature; and that he was at the time thereof ex-officio clerk of the said probate court; and as such full faith and credit are due all his acts; and that the attestation of said clerk is in due form of law, and by the proper officer.

In witness whereof, I have hereunto set my hand and affixed the seal of the said court at Cincinnati, this 19th day of July, A. D. 1895.

HOWARD FERRIS,
Probate Judge.

THE STATE OF OHIO, } ss:
Hamilton County, }

Probate Court.

I, Howard Ferris, clerk of the probate court, within and for said county, the same being a court of law and record hereby certify that the signature attached to the above certificate, purporting to be that of Howard Ferris is his genuine signature; and that he was at the time thereof judge of said court; and as such, full faith *thereof*
1268 *judge of said court; and as such, full faith* and credit are due all his official acts.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Cincinnati, this 19th day of July, A. D. 1895.

HOWARD FERRIS,
Clerk of Probate Court.

That by the terms of the said will John R. Coffroth and William A. Goodman were nominated executors thereof; and on the day last aforesaid Coffroth and Goodman were by the order and judgment of the probate court appointed executors of the said last will and testament, and letters testamentary were issued by order of the said court to said Coffroth and Goodman, and they gave bonds and qualified as such executors of said will and the administration of said estate of said Nash is still pending in said probate court.

That said Croffoth died on the 21st day of July, 1905; and was then and had been theretofore for more than thirty years a resident citizen of the State of Indiana, and said Goodman is the sole executor of said will, and is now and has been for more than ten years last past a citizen and inhabitant of the State of Ohio.

The plaintiffs further say that by the terms of said will, the said testator gave to the plaintiffs as trustees and to the survivor and the successors of them the sum of two hundred and sixty-eight thousand dollars in trust to be invested by said plaintiffs in good

productive personal property or securities by first mortgage on real estate and the net income arising therefrom, the said trustees were directed to pay to the several persons named in said will according to the terms thereof and providing the trust should cease upon
1269 the death of certain persons specified in said will, when the principal of said trust fund should be paid by said trustees to certain other persons in said will named, and said trust should cease.

That the said plaintiffs accepted said office of trustees of said trust as aforesaid and are now such trustees of said trust.

That heretofore on the — day of ——, 1894, the said executors delivered and paid to the plaintiffs in the city of Cincinnati, State of Ohio, two hundred and sixty-eight thousand dollars for and on account of said trust fund, and said trust is continuing.

The said trust fund so delivered and paid to the plaintiffs was constituted, exclusively of bonds, notes secured by mortgages and cash and consisted of one hundred and ninety thousand one hundred and eighty four and 16/100 dollars ($190,184.16) in bonds executed by corporations organized under the laws of other States than the State of Indiana and not doing any business in the State last aforesaid; and said bonds last aforesaid were executed by the following named corporations and in the amounts with the amount of interest earned and value at which the same were taken by said trustees and the sum at which they were sold and transferred by said trustees.

1270 Bonds.

(1897)		
$100,000 Cincinnati Hospital bonds 7 3/10		
a 108	$108,000	
Int. Dec. 1 to June 1	608.33	$108608.33
Sold as follows: $4000.00 Feb. 9, 1894;	$10,000	
February 14, 1894. $10000.00 Mar, 1, 1894;	$10,000	
Mar. 1, 1894. 30000.00 Mar. 11, 1894;		
(1903)		
$20,000 Newport Waterworks bonds, 7 3/10		
a 116	$23,200	
Int. Nov. 1 to Jan. 1	243.33	23443.33
Sold Mar. 26, 1894.		
(1899)		
$33,000 Cincinnati Inclined R. R. bonds 7%		
a 104 1/4	$34,402.50	34402.50
(1972)		
$21,000 So. Covington & Cincinnati St. R. R.		
bonds 6% a 112	$23,520.00	
Int. Nov. 1 to Jan. 1	210.00	23730.00
Sold Mar. 11, 1894.		
Total		$190184.16

That none of said bonds were in the State of Indiana during the time the same were part of said trust fund, they each and all remained in the actual custody of said plaintiff, William A. Goodman in said city of Cincinnati. That said bonds were sold by said plaintiff Goodman in the city of Cincinnati and the consideration therefor paid to him; thirty-four thousand four hundred and ninety-five 40/100 dollars ($34,495.40) in promissory notes secured by mortgages on real estate in the State of Ohio and executed by citizens and inhabitants of other States than the State of Indiana; that
1271 said notes and mortgages last aforesaid were executed by the following named corporations or persons in the principal sums hereinafter specified and that the same were transferred to said trustees at values as hereinafter set out and all of said notes and mortgages were paid to said plaintiff Goodman in the city of Cincinnati, Ohio, as hereinafter shown:

Real Estate Mortgages in Cincinnati.

The St. Louis Cook Mfg. Co	$12,500.00	
Int. Aug. 2/Jan. 1	312.50	$12,813.50
Paid off in full Jan. 23/95.		
Huntington Jno. C.	5,000.00	
Int. Dec. 1/Jan. 1	25.00	5,025.00
Paid in full April 1, 1895.		
Huntington Jno. C.	5,000.00	
Int. Dec. 1/Jan. 1	25.00	5,025.00
Paid in full April 1, 1895.		
Starbuck, Alex	4,500.00	
Int. Nov. 22/Jan. 1	30.00	4,530.00
Paid in full Jan. 22, 1895.		
Starbuck, Alex	1,500.00	
Int. Nov. 22/Jan 1	10.00	1,510.00
Paid in full April 29, 1895.		
Starbuck, Alex	3,500.00	
Int. Nov. 13/Jan. 1	28.58	3,528.58
Paid in full April 29, 1895.		
U. S. Bung Mfg. Co.	2,000.00	
Int. June 19/Jan. 1	64.32	2,064.32
Paid June 22, 1895.		
Total		$34,495.40

1272 That all of said mortgages and notes from the time of delivery thereof to said trustees remained in the actual custody of said plaintiff Goodman in the city of Cincinnati, until the payment thereof saving and excepting that the said two mortgages and notes secured thereby executed by said Alexander Starbuck for

$1,510.00 and $3,528.58 were in the custody of said plaintiff Buck from and after the second day of April to the 28th day of April, 1895, and at no other time. Forty-three thousand two hundred and sixty-five and 58/100 dollars ($43,265 58/100) in promissiry notes secured by mortgages on real estate situate in the counties of Benton and Tippecanoe in said State of Indiana, and of the amount of fifty-four and 89/100 dollars ($54.89) in cash.

That all of said bonds, notes and mortgages were executed to or payable to said Nash and he was the owner and possessor thereof.

That said Job M. Nash was a citizen of and domiciled in another State than the State of Indiana during the whole of the year 1881 and continued to be such citizen and so domiciled until his death as aforesaid. That during all the time last aforesaid said Nash was not an inhabitant nor domiciled in nor was he a citizen of the State of Indiana. That by the terms of said will, trust legacies were created, and legacies were given, to the widow of said testator, and to others named in said will. That said widow renounced said will and elected to take under the law, as widow of said decedent.

That said executors caused to be duly made and returned
1273 a true, complete and correct assessment list of all notes, choses in action, and bonds and stocks of said estate, executed by or due from or payable by any person or persons or corporation resident in or an inhabitant or citizen of said State of Indiana, and of all mortgages of said estate on lands in said State or executed by any person or corporation being an inhabitant, citizen or resident of said State, and of all other personal property whatsoever of said estate in the said State of Indiana; and said executors have paid in full all taxes assessed or payable on account of any and all of said property, and there is no tax unpaid thereon or any of it.

That at and prior to the death of said Nash he was and had been the owner of real estate situate in said cou-ty of Tippecanoe. That all of said real estate was duly entered on the tax duplicate of the said county and all taxes assessed thereon up to and including the year 1884 has been paid. That said Nash was the owner of chattels or tangible personal property situate in said Tippecanoe county from the year 1880 to July 19, 1893, that all of said chattels or tangible property has been placed on the tax duplicate of said county for the years 1881 to 1893, inclusive and all taxes assessed on the same have been paid and no taxes are due on account of the same.

The plaintiffs further say that heretofore on the — day of April, 1895, George A. Jamison who was then and still is the duly elected, qualified and acting auditor of said Tippecanoe county issued a notice addressed to John R. Coffroth and William A. Goodman, executors of the last will and testament of Job M. Nash, deceased,
1274 and James Buck, trustee of said decedent's estate, and caused the same to be served by copy on the said Goodman in the State of Ohio and on said Coffroth and said Buck in the said Tippecanoe county, and therein notified the persons so served that he

the said auditor intended to assess them with, and place against them on the proper tax duplicate of said county of Tippecanoe certain specified personal property consisting wholly of mortgages securing promissory notes and bonds and stocks owned by said Job M. Nash in his lifetime, as taxable in the city of Lafayette, in the county last aforesaid on the 1st day of April for each of the years, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, and 1893, charging that said stocks, bonds, notes and mortgages had never been listed for taxation and were omitted from the proper tax duplicate for each of said years last aforesaid.

That afterwards, on the — day of May, 1895, said auditor assessed said personal property at the face value thereof as omitted property, and placed the same on the proper tax duplicate of said Tippecanoe county and added thereto the alleged omitted personal property for each of the said years from 1881 to 1893 inclusive in the words and figures following, to-wit:

Owner's name.	Year.	Chattels.	Total tax.
Job M. Nash, estate.....	1881	388,190	4,076 00
John R. Croffroth, Wm. A. Goodman, executors.....	1882	430,940	4,524.87
	1883	445,979	5,396.34
	1884	474,981	5,632.27
James Buck, trustee.....	1885	493,311	5,327.75
.....	1886	559,431	6,041.85
1275	1887	574,041	6,199.64
.....	1888	597,041	6,925.67
.....	1889	621,971	8,396.60
.....	1890	651,904	11,538.70
.....	1891	831,205	13,798.00
.....	1892	671,714	7,724.71
.....	1893	700,791	13,665.42

The plaintiffs further aver that all of said personal property so placed on the tax duplicate and assessed for taxation as aforesaid by said auditor, consisted, exclusively of stocks, bonds, notes, and mortgages and were all payable to the said Nash or his order, and that all of said mortgages secured a promissory note or notes payable to said Nash or his order.

That of the total assessed value of $388,190; $455,979; $474,981; $493,311; $559,431; $574,041; $597,041; $621,904; $831,205; $671,714; and $700,791, of all of said personal property for the years 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, and 1893 respectively the amounts of $386,590 for the year 1891, the amount of $428,640 for the year 1882; the amount of $445,979 for the — 1883; the amount of $4[illegible]1,231 for the year 1884; the amount of $463,261 for the year 1885; the amount of $503,881 for the year 1886; the amount of $538,991 for the year 1887; the amount of $599,891 for the year 1888; the amount of $623,271 for the year 1889; the amount of $659,621 for the year 1890; the amount of

$696,021 for the year 1891; the amount of $640,031 for the year 1892, and the amount of $670,881 for the year 1893, were composed
of said bonds, stocks, notes and mortgages which were exe-
1276 cuted by persons or corporations who were all non-residents
of the State of Indiana, and who were citizens and inhabitants of other States than the State of Indiana at the time of the execution of said bonds, stocks, notes and mortgages and continued thereafter to be non-residents of the State of Indiana; and said bonds, stocks, notes and mortgages were never returned nor taxed in said Tippecanoe county.

The plaintiffs further aver that the said bonds, stocks, notes and mortgages so executed by non-residents of the State of Indiana were not and are not subject or liable to taxation in the State of Indiana as they believe.

That all of said personal property entered and assessed for taxation as aforesaid that was not composed of said bonds, stocks, notes, and mortgages executed by non-residents of the State of Indiana as aforesaid were executed by residents or inhabitants of the State of Indiana.

That during the years 1880 to 1886 inclusive the said Nash had no agent, trustee, or person in the State of Indiana in his service or employment to make any loans or investments of his money or property in the State last aforesaid. That any and all loans or investments of his money or property made in the State of Indiana or to any inhabitants or citizens thereof during the time last aforesaid were made and determined upon by the said Nash and by no other person or persons and all notes or securities executed for any such loans or investments were made payable to the said Nash or his order.

That afterwards, in the year 1887 and prior to the 1st day
1277 of April of said year thence to the 19th day of July, 1893,
the said Nash had in his service an agent in said Tippecanoe county to manage and take charge of all the real and personal estate of said Nash in the said State of Indiana, and to loan and invest the money of said Nash, in the State of Indiana. That notes or mortgages or other securities were taken in the name of said Nash for each and every of said loans or investments in the State last aforesaid. That said agent for each of said years from 1887 to 1893 inclusive, duly made and returned for said Nash *in* full, true and correct assessment list of all of said notes and mortgages, and bonds or other securities and of all other personal property of the said Nash in the State of Indiana, in the said Tippecanoe county, and the same were entered on the tax duplicate of said county and assessed for taxation and all taxes assessed thereon were and have been paid in full and there is no tax due or unpaid on account thereof, except and saving eleven several mortgages for the year 1893 ten of which said mortgages were on lands situate in Benton county, Indiana, executed by inhabitants or citizens of said Benton county securing promissory notes payable to said Nash, of the aggre-

gate sum of $22,150.00 and one mortgage on land in said Tippecanoe county of the face value of $1,500.00 executed by an inhabitant or citizen of said Tippecanoe county, securing a promissory note payable to said Nash; and said eleven mortgages and notes secured thereby were included in said personal property so
1278 entered on said tax duplicate by said auditor as aforesaid.

That said eleven mortgages last aforesaid were not nor were any of them in the State of Indiana, nor were they nor any of them in the possession or under the power or control of said agent or of any one else in the State of Indiana on the 1st day of April, 1893.

The plaintiffs aver that the estate of said Nash is solvent and has available means or assets to pay all liabilities thereof inclusive of all taxes.

The plaintiffs further say, that of the promissory notes and mortgages transferred and delivered as aforesaid by said executors to the plaintiffs as trustees three of them were executed severally by Francis Du Charm, Margaret Pearce and John Cassidy, all inhabitants of the State of Indiana, on land situate in Benton county, Indiana, in all of the total face value of five thousand five hundred and fifty dollars ($5,550.00) and said three mortages last aforesaid were three of said eleven mortgages.

The plaintiffs further aver that they have made a full, true and correct assessment list and returned the same in said Tippecanoe county, for each of the years since the transfer and delivery of said trust property to them as aforesaid of all of said trust fund consisting of promissory notes or mortgages or other claims or choses in action owing from or executed by an inhabitant or citizen or corporation of the State of Indiana, and of all other personal property invested in any way or located in the State of Indiana, and
1279 all taxes thereon have been paid.

The plaintiffs further say that they have not nor has either of them made any return for taxation in Indiana of any bond, note, mortgage, or other chose in action payable by or executed by any person or persons or corporation, who was or were not inhabitant or citizens of the State last aforesaid, nor any mortgage not on lands in said State, nor of any tangible personal property not situated or located in the said State of Indiana. And the plaintiffs believe in good faith that no part of said trust funds last aforesaid were or are liable to taxation in the State of Indiana, and the plaintiffs as such trustees are not liable on account of any tax except on that part of said trust fund which is or was located or situated in the State of Indiana, or that is or was composed of bonds, notes, mortgages or credits or other choses in action executed by or owing from an inhabitant or citizen of the said State of Indiana. Nevertheless if the law is that the plaintiffs as such trustees are liable to pay any tax on said trust fund, or any part of it liable for any tax or taxes the said trustees are ready and willing to pay all such taxes as the court shall direct.

The plaintiffs further aver that the tax duplicate in which said alleged, corrected and added assessment of said alleged omitted personal property is made and entered is now in the official custody of said defendant Miller, treasurer as aforesaid, to collect said alleged taxes as aforesaid, and said defendant claims said trust property is liable to pay the same, and that said treasurer now threatens to and he will proceed to the collection of said taxes out of said trust property, unless restrained by the order of this court.

The plaintiffs further say that there is now and has been
1280 for more than a year last past in the city of Lafayette in said county of Tippecanoe in the possession of the said plaintiffs James Buck, trustee as aforesaid, belonging to and constituting a part of the said trust funds or property tangible personal property of more than the cash value of fifty dollars, notes and mortgages executed by citizens of said State of Indiana, on lands in said county of Tippecanoe and other counties in the State last aforesaid of the value of more than fifty thousand dollars, and cash on hand or on deposit in said city of Lafayette from time to time and varying in amount from a few dollars to more than five thousand dollars and the said cash and deposits of said trust will in the future from time to time substantially be on hand in the current administration thereof in said Tippecanoe county, said tangible personal property is now and has been continuously located in said Tippecanoe county for more than the last ten years and was the property of the said Nash until his said death and thereafter upon the constitution of said trust the same became, is now and ever since has been a part of said trust fund or property.

The plaintiffs further show that all property real and personal situate in any county is liable for the payment of all taxes, penalty and costs charged to the owner thereof in such county, and the lien of said taxes and accruals continue and cannot be released or discharged until *of* said taxes are fully paid or are cancelled or vacated. That said assessment is a cloud on the title to all of the property of said trust situate in said county, and renders the same liable to seizure, sale or other proceedings provided or allowed in such cases made and provided at any time whenever the defendant may elect to so proceed to the great annoyance, expense and trouble of said trust, and said assessment made as aforesaid constitutes an
1281 inconvenience in and a business impediment to the full and free management, transfer or investment of said trust fund
1282 or property situate in said county, and will do so until said assessment is annulled. That the said cloud, inconvenience and impairment are each and all injurious to the interests of said trust, and are illegal and said assessment should be vacated.

The plaintiffs further aver that there is evidence by which the plaintiffs as they are informed and believe will be able to prove the domicile of said Job M. Nash as herein alleged. That in the main said evidence consists in the personal knowledge of witnesses who reside in different States of the Union and that the most material of

said witnesses have become aged, and without the evidence of said aged witnesses it would be impossible to make the proof of said domicile of said testator as hereinbefore set up, and that said evidence is daily liable to be lost by death or the enfeebled health of said witnesses aforesaid. That unless the said evidence is taken in this action the plaintiffs fear that said evidence cannot be taken and that said assessment will be or will become a means of being vexatiously used against the property of said trust and the financial interests of said trust will unjustly suffer great and irreparable damage.

Wherefore, the plaintiffs pray the court for judgment that said assessment made and entered as herein alleged is illegal and void as against said trustees or either of them, that the same as to said trustees or either of them be declared cancelled, that the defendant be enjoined from collecting or enforcing said taxes as against said trustees or either of them or the property or funds of said trust, and that upon final hearing and judgment herein that the defend-
1283 ant be perpetually enjoined from collecting said taxes as aforesaid out of the funds or property of said trust or from said trustees or either of them and for such other and further relief in the premises as may be just and proper.

LANGDON & COFFROTH,
Attorneys for the Plaintiffs.

(Precipe.)

The clerk will issue process on the within complaint for the defendant returnable the first day of the September term, 1895, which time plaintiffs fix for the appearance and answer of defendant.

LANGDON & COFFROTH,
Atty's for Pl'tffs.

3. That said Henry A. Miller thereafter appeared to said action by counsel and filed a demurrer to said complaint on the ground that the same did not state facts sufficient to constitute a cause of action and such proceedings were thereafter had in said cause, in said court, that said demurrer to said complaint was sustained by said court and that said plaintiffs refused to plead further in said cause and stood on the sufficiency of their said complaint and judgment was thereupon rendered by said court in said cause against said plaintiffs upon said demurrer.

4. That thereupon said plaintiffs appealed from said judgment of said Tippecanoe circuit court rendered on the demurrer to the complaint filed by said Buck and Goodman as trustees as aforesaid to the supreme court of the State of Indiana and that thereafter such proceedings were had in said court as resulted in the rendition of the following opinion and judgment by said court in said cause, to-wit:

1284 "THE STATE OF INDIANA:

In the Supreme Court, November Term, 1896.

On the 22nd day of December, 1896, being the 26th judicial day of said November term, 1896.

18037

Hon. James H. Jordan, chief justice.

Hon. James McCabe, Hon. Timothy E. Howard, Hon. Leonard J. Hackney, Hon. Leander J. Monks, judges.

In the Case of JAMES BUCK ET AL., Trustees, etc., vs. HENRY A. MILLER, Treasurer, etc. } Appeal from the Tippecanoe Circuit Court.

Came the parties by their attorneys, and the court being sufficiently advised in the premises, gave the following opinion and judgment pronounced by Howard, J.

Petition for rehearing overruled.

Filed May 17, 1897.

DAVID H. FLYNN, Clerk.

HOWARD, *J.:*

The appellants, as trustees under the last will of Job M. Nash, deceased, have brought this action to enjoin the collection of taxes assessed against trust funds in their hands to the amount of $268,000.00. It is alleged in the complaint that the county auditor, after notice *gave* to the executors, placed upon the tax duplicate, as omitted property of the estate of said decedent, certain stocks, bonds, notes and mortgages, of which the said trust funds form a part, and which had been held and owned by the said Nash during the years from 1881 to his death in 1893, and had been held and
1285 owned by the said Nash during the years 1881 to his death in 1893, and had been by him omitted and withheld from taxation during all that time.

It further appears that, from 1880 to 1886, all loans or investments made in this State by Job M. Nash were managed by him in person; and, that, from 1887 until his death in 1893, he had in his service an agent in Tippecanoe county to take charge of his real and personal property in the State and to conduct his loan and investment business therein. It is also alleged "that said Job M. Nash was a citizen of and domiciled in another State than the State of Indiana during the whole of the year 1881, and continued to be such citizen and so domiciled until his death."

The theory of appellants' complaint seems to be that all those obligations due Job. M. Nash or his estate which were executed by non-residents of the State are not taxable here. It is explicitly alleged: "That the said bonds, stocks, notes and mortgages so exe-

cuted by non-residents of the State of Indiana were not and are not subject or liable to taxation in the State of Indiana, as they believe." And again: "The plaintiffs further say that they have not, nor has either of them, made any return for taxation in Indiana of any bond, note, mortgage or other chose in action, payable by or executed by any person or persons or corporation, who was or were not inhabitants or citizens of the State last aforesaid, nor any mortgage not on lands in said State."

It is, however, the credit, and not the debt, to which value attaches, and which is, therefore, taxable. It can, consequently, make no difference where the debtor lives, or where the debt was contracted, provided only the bond, note or other evidence of amount
1286 due the creditors is itself within the jurisdiction of the State. By section 3 of the tax law (section 8410, Burns' R. S. 1894) it is provided that "All property within the jurisdiction of this State, not expressly exempted, shall be subject to taxation." By section 51 and 53 of the same act credits are classed as personal property. Personal property in general, is assessed where its owner resides. But the situs of such property, for the purpose of taxation, does not always or necessarily follow the domicile of the owner. Eversole v. Cook, 92 Ind. 222. Many such exceptions, too, are made in section 11 of the tax law, among them the following, cause four: "Personal property of nonresidents of the State shall be assessed to the owner or to the person having the control thereof in the township, town or city where the same may be, except that where such property is in transit to some place within the State, it shall be assessed in such place." Section 8421, Burns' R. S. 1894.

If, therefore, personal property is used in business in this State it shall be assessed here, even though the owner may reside elsewhere; and this must be true of credits and moneys as well as of other forms of personal property. A business may be done in buying and selling property and making loans and investments, collecting and reloaning the money so used, from year to year, and if the money, notes and mortgages so used are retained in this State they will be subject to taxation here as well as any other kind of personal property. See *In re* Whiting's Estate, 150 N. Y. 27, 44 N. E. 715, and *In re* Houdayer's Estate, 150 N. Y. 37, 34 L. R. A. 235, 44 N. E. 718.

1287 "It is the general rule of law," said this court in Herron v. Keeran, 59 Ind. 472, "that the domicile of the owner is the place where, by a legal fiction, his personal property is regarded as having its situs, and where it is to be taxed. Commonwealth v. Chesapeake, etc., R. R. Co., 27 Grat., 444. But this rule is now departed from in most States, as to chattels having a permanent situs in a State other than that of the residence of the owner. Rieman v. Shepard, 27 Ind. 288; Burroughs' Taxation, 41. And the same departure has been taken in regard to notes and evidence of debt in the hands of an agent of the owner who resides in another State or country, which notes are taken for money loaned, and held for re-

renewal or collection, with the view of reloaning the money by the agent in the same State, the business being permanent in the hands of the agent. Burroughs' Taxation, 44 *et seq.*; People v. Board, etc., 48 N. Y. 390." See, also, Foresman v. Byrns, 68 Ind. 247; City of New Albany v. Meekin, 3 Ind. 481.

If notes and other choses in action were in this State temporarily, however, or in the hands of an attorney for collection merely, it would, of course, be different. Herron v. Keeran *supra*. Still more, where the credit is owned and held in another State by a nonresident of this State. See *In re* Bronson, 150 N. Y. 1, 44 N. E. 707. In such a case the note or bond so owned and held cannot be taxed here, even though secured by lien on property in this State. Senour v. Ruth, 140 Ind. 318. It is the note or bond so held, and not its mere security, that is regarded as the evidence of value, and hence taxable.

While injunction is the proper remedy against the collec-
1288 tion of taxes where the assessment is wholly void, Senour v. Ruth, *supra*, yet the burden is upon the plaintiff to allege and prove facts necessary to show that the whole of the property in question was not subject to assessment for taxation. Saint v. Welsh, 141 Ind. 382. If any of the taxes against which the injunction is sought were legally assessed, then, in the absence of a showing of payment or tender, no relief can be granted. City of South Bend v. University of Notre Dame du Lac, 69 Ind. 344; Shepardson v. Gillette, 133 Ind. 125.

In the case at bar there is no claim made that the bonds, notes and other obligations placed upon the duplicates as omitted property were not, in fact, in the State and subject to its jurisdiction at the several times when, by the decision of the auditor, they should have been returned for taxation. On the contrary, it is alleged in the complaint that during a part of this period the decedent was himself engaged in the business of making loans and investments in the State, while during the remainder of the time he was represented in this business by a local agent. If he lived here and did business in the State, having with him his moneys, stocks, bonds, notes and mortgages, as the capital and means of doing such business, then it would be immaterial whether he might claim citizenship in some other State or not. The law could not be thus evaded. His property so used in business and so held in this State would not be subject to taxation under the statute cited. It would, of course, be the same if the property and business remained here in charge of an agent. The complaint no where state- that the omitted property was not in the State at the times when the owner or holder failed to return it
1289 for taxation. Neither is it anywhere claimed that any taxes were in any place ever paid on such property. The plaintiffs content themselves with simply alleging that the domicile of the decedent during the period in question was in some other State, not named, and that the obligations placed upon the duplicate as omitted property were executed by and due from non-residents of the State.

This is not enough and the court did not err in sustaining the demurrer to the complaint.

Judgment affirmed and afterwards, to-wit: on the 13th day of May, 1897, the court being advised in the premises overrules the petition on a rehearing heretofore filed herein by appellants with an opinion by Howard J., as follows:

On Petition for Rehearing.

HOWARD, *J.*:

It would not be difficult to take the several arguments in appellant's numerous briefs, filed in favor of the petition for a rehearing of this case, and arrange them, consecutively, in such a manner that they should mutually destroy one another. So, we sometimes find a series of algebraic equations, each most formidable, when looked at by itself, but all of which, when added together, term by term, are mutually cancelled, and there is nothing left but zero equal*ls* zero.

It is first contended that we erred in holding that Mr. Nash's "bonds, stock, notes and mortgages executed by nonresidents were liable to taxation in Indiana." If we understand that contention, it must mean that bonds, stocks, notes and mortgages can be taxed only in the State where they are issued or executed, that is, 1290 in the State where the debtor resides, or where the company issuing the stock is located. But, in the case chiefly relied upon — appellant's brief, Railroad Company v. Pennsylvania (case of the State tax on foreign-held bonds,) 15 Wall. (U. S.) 300, it was held by the Supreme Court of the United States that the State of Pennsylvania could not tax bonds issued by a Pennsylvania Railroad Company, but owned and held in a foreign State. And in Senour v. Ruth, 140 Ind. 318, also relied upon in the same brief, it was held by this court that credits resulting from loans evidenced by promissory notes, but owned and held by nonresidents in another State, even though secured by mortgage on property in this State, are not taxable here? There can be no doubt that the two cases cited are good law; but, if so, what becomes of appellant's contention, that "bonds, stocks, notes and mortgages executed by nonresidents" are not taxable in Indiana?

According to the two authorities cited, the bonds, stocks, notes and mortgages, although executed by nonresidents, are to be taxed in the State where they are held and owned, it being immaterial where they were executed. In Railroad Company v. Pennsylvania, *supra*, and in Senour v. Ruth, *supra*, the effort was made to tax the obligations where they were executed, but the courts held that they must be taxed where they are held and owned. Taking appellant's contention that Mr. Nash's bonds, stocks, notes, and mortgages could not be taxed here because they were executed by nonresidents, and taking the authorities cited by appellants, that they could not be taxed in the State where they were issued, or executed, because they were

held and owned elsewhere, and we have the beautiful result
1291 that they could be taxed nowhere.

This would suggest a most excellent plan by which the holders of this class of property might escape taxation altogether. For example, let those in Ohio convert all their names into bonds, stocks, notes and mortgages, issued and executed by residents of Ohio, and let those of Indiana invest likewise in bonds, stocks, notes and mortgages, issued and executed by residents of Indiana; and then let the holders of the Ohio securities move into Indiana, and the holders of Indiana securities move into Ohio; and it is done.

Those wealth movers must, however, be careful not to bring their domicile along with them. They may, of course, indeed they must, live and do business in the State into which they move; but they should be cautious to have their residence and domicile elsewhere. The complaint before us is drawn very circumspectly in this regard. It is carefully alleged: "That said Job. M. Nash was a citizen of and domiciled in another State than the State of Indiana." It was, indeed, a wise precaution that suggested this manner of statement, and so avoided any indication as to the particular State where Mr. Nash's domicile might be. Otherwise, in the State of which he was actually a citizen, and the taxing officers of such State, might have taken advantage of the information thus incautiously given, and have assessed his bonds, stocks, notes and mortgages. But, provided the allegation is always, as in this case, that he was "a citizen of and domiciled in another State," then his personal property subject to taxation, like the youth's gold under the rainbow, will always be a little further off, and so escape taxation altogether.

1292 The property owner, to be sure, may have certain occasional twinges of conscience,—that he is sponging off the community, that he is receiving the benefits of the laws for the protection of his property, that the courts are open to him for the collection of his bonds and notes and the foreclosure of his mortgages; in a word, that all his personal property and business interests are as carefully guarded as if he were, "a citizen of and domiciled in" the State; but that all these things are done for him at the expense of his neighbors, the citizens of the State, who pay their taxes regularly from year to year. Those twinges of conscience will, however, grow more dulled from year to year, and finally, perhaps, cease altogether; and, in time, if he perseveres, he will come to regard it as his sacred right to bring all his bonds, stocks, notes and mortgages into the State, and so set himself up in the real estate, loan and mortgage business, without being at all hampered by local or State taxes, at the same time that he enjoys all the rights, privileges and protection of citizenship.

Notwithstanding all this, we are still firmly of the opinion, as heretofore expressed, that if personal property is used in business in this State it ought to be assessed for taxes, even though the owner may claim to be a citizen of and domiciled in another State; and that this must be true of moneys and credits as well as of other

forms of personal property. We are still of the opinion, also, that a business may be done in buying and selling property, including bonds, stocks, notes and mortgages, and in making loans and investments, collecting and reloaning from year to year, and that if
1293 the moneys and securities so used are retained in this State, they should be subject to taxation here, quite the same as any other kind of property. For purposes of taxation, the term personal property includes bonds, notes, choses in action and other evidences of credits. 1 Desty. Taxn. 328; Cooley Taxn. 270-272, notes; Boyd v. Selma, 96 Ala. 144, 16 L. R. A. 729. And the situs of such property for taxation must be the place where it is used in business. 1 Desty. Taxn. 323; Cooley Taxn. 15; Burroughs Taxn. 59; *In re* Jefferson, 35 Minn. 215, 28 N. W. 256; People v. Davis, 112, 111, 272; Redmond v. Board, etc., 87 N. C. 122; Board etc. v. Leonard, 57 Kan. 531, 34 L. R. A. 810, 46 Pac. 960.

Counsel next content that we erred in holding that Mr. Nash's notes and mortgages, executed by residents of Indiana, were taxable here, except when he had an agent in the State. The first contention was that obligations executed by residents of another State could not be taxed here; now it is, that those executed in Indiana cannot be taxed here. One of these contentions must overthrow the other; they cannot both stand, even according to counsel's own argument. But the argument itself is fallacious. The test as to where the right to tax property exists in its place of location and use; the place where, if a security or obligation, it is a credit, not where it is a debit. It is quite immaterial whether the notes or other obligations were executed or were due by residents or non-residents of the State. If they were owned, held and used in Indiana, they were taxable here; and this, too, whether the business here in which they were used was conducted by Mr. Nash in person or by some one else for him.

1294 The third contention of appellant, that we erred in holding that certain Indiana notes already taxed were again subject to taxation, shows that counsel have not well considered the opinion of the court. No such holding was made. If, as a matter of fact, the auditor thus retaxed any property which had been already taxed, appellants should have pointed it out to the auditor and asked to have the lists corrected in that particular. But even if such error was made, it would be no justification of appellants' request to enjoin the collection of all the taxes, including those which were justly due.

In the fourth place, counsel contend that we erred in holding that the auditor had jurisdiction to make the assessment of the omitted property. This is an idle claim. The statute expressly gives such power to the auditor on his compliance with the conditions therein stated as to notice and other matters. Section 142, of the Tax Law, section 8560, Burns' R. S. 1894 (Acts 1891, p. 199); section 6416, R. S. 1881; Reynolds v. Bowen, 138 Ind. 434. Due notice was given. The statute requires the auditor that "if the person claim-

ing to own such property, or occupying it, or in possession thereof, resides in the county and is not present, he shall give such person notice, in writing, of his intention to add such property to the tax duplicate." The only persons in the county claiming to own such property or any part of it, or occupying or in possession of it, were one of these executors and a trustee under the will. To these he gave the statutory notice, and this would, doubtless, have been sufficient. But through superabundance of caution, the auditor gave notice also to the remaining executor, a resident of Ohio.

1295 Besides, it is to be remembered, the assessment and taxation of property is not the bringing of an action in court. The power to prescribe how such assessment and taxation shall be made resides in the legislature, the supreme law making power of the State. Taxes are not debts, in the ordinary sense of that term, but are rather contributions for the support of the body politic; and it is competent for the legislature to provide how such contributions shall be collected. Geren v. Gruber, 26 La. Ann. 694; Catlin v. Hull, 21 Vt. 152. Following the mode of procedure prescribed by the legislature, if there were no one in the county who claimed to own the property here in question, or who occupied or had possession of it, the State would not thereby be deprived of the means of taxing it. It is only such an answer, claimant or occupant as "resides in the county and is not present" before the auditor that need be notified. The assessment officer is not required to go outside his own county to give notice to anyone of his intention to assess omitted property. In this case, the auditor did more than he was required to do.

The fifth contention is, that we did not hold that applicants were entitled to take evidence to show that Mr. Nash was a nonresident of the State. For the purpose of the complaint, however, it was sufficient to have made the allegation of nonresidence, and we are concerned only with the sufficiency of that pleading.

It is next said, that we erred in holding that the trust estate was liable to pay taxes which Mr. Nash had neglected to pay. The State and the municipalities to which Mr. Nash owed taxes are not concerned especially with any trust he may have created for the management of a part of his estate. He died owing certain

1296 taxes which he had avoided paying for a great many years. Those taxes have now been assessed in pursuance of statutory provisions for the assessment of omitted property. The taxes are a lien on all property in the county belonging to his estate. This lien can be released only by payment of the taxes. He could not by giving away his property relieve it of the burden cast upon it by the law. It is immaterial to the State whether the property is found in the custody of executors, administrators, trustees, heirs or devisees. The State seeks out the property itself, or any part of it that can be found, and demands of those claiming to own or use it, that the taxes be paid. Nor is the seventh contention more available. The property of the estate cannot be changed from one form into another, so as to avoid the taxes due and unpaid.

The complaint shows that the county auditor, in pursuance of the provisions of the statutes, placed upon the tax duplicate certain personal property omitted from his assessment lists by Job M. Nash, deceased, for the years 1881 to the time of his death, in 1893. All the presumptions are in favor of the correctness of the proceedings of the auditor; and if, in fact, any of the chattels so placed upon the duplicate as omitted property, were placed there wrongfully, such fact must be shown by those who call in question the regularity of the auditor's official acts. A negative compiaint, or one that is silent in any essential matter, will not do; the errors, if any, must be pointed out.

In a supplemental brief, counsel, not questioning the correctness of the statement in the principal opinion, "that the com-
1297 plaint nowhere states that the omitted property was not in the State at the time when the owner or holder failed to return it for taxation," yet contends, in effect, that the allegation that Mr. Nash was not at such a time a resident of the State is equivalent to an allegation that his personal property and business were not here. We think, however, that we have shown, both in the original opinion and in this, that the location of personal property, particularly for the purpose of taxation, does not necessarily follow the domicile of the owner. The property is taxable where it is owned, held and used in business, and where it is protected by the laws of the community in which it is so held and used; and the circumstances that the owner, whether for honest or other motives, claims a resident elsewhere, is not controlling. It is, of course, quite different, as already many times said, where the property is temporarily in the State, as for instance, where securities are sent into the State for collection, inspection, safe-keeping or the like. It would be a most immoral doctrine, however, to hold that securities could not be taxed at the residence of the owner, because they were held at another place, and could not be taxed where they were held, because the owner resided elsewhere. It would be a still more grievous wrong to hold that a man might retain his residence in New York or Ohio, but bring his property, whether money, or bonds, stocks, notes and mortgages, to Indiana, and here engage in a general real estate, loan and investment business, and so avoid paying taxes at the place where he must call upon the law, its courts and officers to protect and aid him in the safe and profitable carrying out of his business. A mere statement of such a claim is enough to show its outrageous character. Nor
1298 were appellants ignorant of the necessity of alleging that the bonds, stocks, notes and mortgages were not in the State of Indiana at the time when the owner or holder failed to return them for taxation. Speaking of certain of those mortgages, as to one of the years in question, it was not found difficult to allege in the complaint: "That said eleven mortgages last aforesaid were not, nor were any of them, in the State of Indiana, nor were they or any of them in the possession or under the power or control of said agent

or any one else in the State of Indiana on the 1st day of April, 1893." The allegation itself might not be sufficient to show that even the mortgages named might not have been taxable for the year named; but we have set out the allegations as showing appellants' ability to express in vigorous and definite language the fact that the mortgages were not in the State, and hence not subject to taxation. But if it be so emphatically alleged that the mortgages named were not in the State when the auditor claimed they were taxable, we may well presume that the remaining bonds, stocks, notes and mortgages, for all the other years, were in the State of Indiana, at the several times when they should have been returned for taxation. The maxim quoted by counsel is here in point. *Expressio unius, exclusio alterius.* Mr. Anderson, in his dictionary of law, paraphrases this maxim as follows: "Express mention of one act, condition, stipulation, class or number, person or place, implies the exclusion of another or others not mentioned." It would have been easy for the complaint to have alleged, if it were true, that none of Mr. Nash's securities, as placed upon the duplicate, were in
1299 the State of Indiana at the several times when the auditor held that they were liable for taxation, but that, at such times, as was the case in Senour v. Ruth, *supra*, Railroad Co. v. Pennsylvania, *supra*, and other cases cited by counsel, the securities were "held and owned by nonresidents in another State."

In Pullman's Car Company v. Pennsylvania, 141 U. S. 18, the Supreme Court of the United States, citing numerous authorities, said: "For the purposes of taxation, as has been repeatedly affirmed by this court, personal property may be separated from its owner; and he may be taxed, on its account, at the place where it is, although not the place of his own domicile, and even if he is not a citizen or a resident of the State which imposes the tax."

The following from the recent vigorous opinion of Mr. Justice Brewer, speaking for the Supreme Court of the United States, in Adams Express Company v. Ohio State Auditor, 166 U. S. 185, 17 Sup. Ct. 604, may fitly conclude this opinion, which has, perhaps, been unnecessarily extended.

"It is a cardinal rule which should never be forgotten that whatever property is worth for the purpose of income and sale it is also worth for purposes of taxation * * * Substance of right demands that whatever be the real value of any property, that value may be accepted by the State for the purpose of taxation, and this ought not to be evaded by any mere confusion of words. Suppose an express company is incorporated to transact business within the limits of a State, and does business only within such limits, and for the purposes of transacting that business purchases and holds a few thousands of dollars' worth of horses and
1300 wagons, and yet it so meets the wants of the people dwelling in that State, so uses the tangible property which it possesses, do transacts business therein that its stock becomes in the markets of the State of the actual cash value of hundreds of thousands of

dollars. To the owners thereof, for the purposes of income and sale, the corporate property is worth hundreds of thousands of dollars. Does substance of right require that it shall pay taxes only upon the thousands of dollars of tangible property which it possesses? Accumulated wealth will laugh at the crudity of taxing laws which reach only the one and ignore the other, while they who own tangible property, not organized into a single producing plant, will feel the injustice of a system which so misplaces the burden of taxation. * * *

"It is suggested that the company may have bonds, stocks, or other investments which produce a part of the value of its capital stock, and which have a special situs in other States or are exempt from taxation. If it has, let it show the fact. Courts deal with things as they are, and do not determine rights upon mere possibilities. * * * Where is the situs of this intangible property? Is it simply where its home office is, where is found the central directing thought which controls the workings of the great machine, or in the State which gave it its corporate franchise; or is that intangible property distributed wherever its tangible property is located and its work is done? Clearly, as we think, the latter. * * *

It may be true that the principal office of the corporation is in New York, and that for certain purposes the maxim of the
1301 common law was, "*mobilia personam sequunter;*" but that maxim was never of universal application, and seldom interfered with the right of taxation. * * * It would certainly seem a misapplication of the doctrine expressed in that maxim to hold that by merely transferring its principal office across the river to Jersey City the situs of $12,000,000.00 of intangible property, for the purposes of taxation, was changed from the State of New York to that of New Jersey."

And the following from the same opinion: "In the complex civilization of to-day a large portion of the wealth of a community consists in intangible property, and there is nothing in the nature of things or in the limitations of the Federal Constitution which restrains a State from taxing at its real value such intangible property. Take the simplest illustration: B, a solvent man, purchases from A certain property, and gives to A his promise to pay, say $100,000 therefor. Such promise may or may not be evidenced by a note or other written instrument. The property conveyed to B may or may not be of the value of $100,000.00. If there is nothing in the way of fraud or misrepresentation to invalidate that transaction, there exists a legal promise on the part of B to pay A $100,000.00. That promise is a part of A's property. It is something of value, something on which he will receive cash, and which he can sell in the markets of the community for cash. It is as certainly property, and property of value, as if it were a building or a steamboat, and is as justly subject to taxation. It matters not in what this intangible property consists,—whether privileges,
1302 corporate franchises, contracts or obligations. It is enough that it is property which though intangible exists, which has

value, produces income and passes current in the markets of the world. To ignore this intangible property, or to hold that it is not subject to taxation at its accepted value, is to eliminate from the reach of the taxing power a large portion of the wealth of the country."

Petition overruled.

It is therefore considered by the court that the judgment of the court below in the above entitled cause, be in all things affirmed at the cost of the appellants, all of which is ordered to be certified in said court. And it is furthered considered by the court that the appellee recover of the appellants the sum of $34.75 for his costs and charges in this behalf expended.

THE STATE OF INDIANA, }
Supreme Court. }

I, Alexander Hess, clerk of the supreme court of the State of Indiana, certify the above and foregoing to be a true and complete copy of the opinion and judgment of said court in the above entitled cause.

In witness whereof, I hereto set my hand and affix the seal of said court at the city of Indianapolis this 15th day of May, 1897.

[SEAL.] ALEX. HESS, C. S. C.

Dated this 29th day of July 1901.

B. W. LANGDON,
Att'y for Def't.
JOHN W. LA RUE,
HANLY & WOOD,
Att'ys for Pl'ff.

1303 Adjourned at 12 o'clock noon, Monday, July 29th, 1901, until this afternoon at 2 o'clock.

LAFAYETTE, IND.,
Monday, July 29th, 1901—2 o'clock p. m.

The parties met and by agreement the further taking of these depositions is postponed until Saturday, August 3rd, 1901, at 10 o'clock.

LAFAYETTE, IND.,
Saturday, August 3rd, 1901—10 o'clock a. m.

The parties met pursuant to adjournment and the further taking of these depositions *were* continued as follows :—

WILL S. BAUGH recalled and states as follows:

Questions by Judge LANGDON, counsel for defendant :

199 Q. What book have you in your hand?

A. Tax duplicate, Fairfield township, Tippecanoe county, for the year 1887.

Defendant introduces in evidence the following from said record:

Nash, Job M., 40 acres, southwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $1470, total $1470, first installment with road tax $10.44, second installment without road tax $7.94, total tax for 1887, $18.38, total tax including delinquency $18.38.

Nash, Job M., 12 acres, part northwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $505, value
1304 of improvements $210, total $715, first installment with road tax $5.08, second installment without road tax, $3.86, total tax for the year 1887, $8.94, total tax including delinquency $8.94.

Nash, Job M., 80 acres, east half, southeast quarter, section 33, township 23, range 4, value of lands $2940, total $2940, first installment with road tax $2087, second installment without road tax $15.88, total tax for 1887, $36.75, total tax including delinquency $36.75.

Nash, Job M., 80 acres, east half, southeast quarter, section 32, township 23, range 4, value of lands $2940, total $2940, first installment with road tax $20.87, second installment without road tax $15.88, total tax for the year 1887, $36.75, total tax including delinquency $36.75.

200 Q. Does the record show those taxes are paid?

A. Yes, sir.

201 Q. Any chattels there?

A. No, sir, no chattels.

202 Q. What book have you in your hands?

A. Tax duplicate, Lauramie township, Tippecanoe county for the year 1887.

Defendant introduces in evidence the following from said record:

Nash, Job M., 40 acres, southwest quarter, southwest quarter, section 29, township 21, range 3, value of lands $615, total $615, first installment with road tax $5.54, second installment without road tax $4.52, total tax for the year 1887, $10.06, total tax including delinquency, $10.06.

1305 Nash, Job M., 40 acres, southwest quarter, southeast quarter, section 29, township 21, range 3, value of lands $680, total $680, first installment with road tax $5.50, second installment without road tax $4.49, total tax for the year 1887, $9.99, total tax including delinquency $9.99.

203 Q. Anything shown here as to chattels?

A. No chattels.

204 Q. Have these taxes been paid as the record shows?

A. Yes, sir.

205 Q. What book have you in your hand?

A. Tax duplicate, Union township, Tippecanoe county, for the year 1887.

Defendant introduces in evidence the following from said record:

Nash, Job M., 31.73 acres, part west half, southeast quarter, section 21, township 22, range 5, value of lands $930, total value $930 first installment with road tax $6.23, second installment without road tax $5.49, total tax for the year 1887, $11.72, total tax including delinquency $11.72.

Nash, Job M., 80 acres, north half southwest quarter, section 21, township 22, range 5, value of lands $2420, total $2420, first installment with road tax $16.22, second installment without road tax $14.28, total tax for the year 1887, $30.50, total tax including delinquency $30.50.

Nash, Job M., 19.75 acres, part southeast quarter, southwest quarter, section 21, township 22, range 5, value of lands $595, total $595, first installment with road tax $3.99, second installment without road tax $3.50, total tax for the year 1887, $7.49, total tax including delinquency $7.49.

1306 Nash Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of lands $2500, total $2500, first installment with road tax $14.75, — total tax for the year 1887, $31.50, total tax including delinquency $31.50.

Nash, Job M., 80 acres, east half, northeast quarter, section 21, township 22, range 5, value of lands $2585, value of improvements $315, total $2900, first installment with road tax $19.43, second installment without road tax $17.11, total tax for the year 1887, $36.54, total tax including delinquency $36.54.

206 Q. Does this show anything about chattels?

A. No chattels.

207 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

208 Q. What record have you now before you?

A. Tax duplicate Wayne township, Tippecanoe county for the year 1887.

Defendant introduces in evidence the following from said record:

Nash, Job. M., chattels $220, total $220, first installment with road tax $1.67, second installment without road tax $1.30, total tax for the year 1887, $2.97, total tax including delinquency $2.97.

Nash, Job. M., 160 acres, part of Burnett's reserve northwest quarter, section 6, township 22, range 6, value of lands $5030, value of improvements $315, total $5345, first installment with road tax $40.62, second installment without road tax $31.54, total tax for the year 1887, $72.16, total tax including delinquency $72.16.

1307 Nash, Job M., 93.57 acres, part Burnett's reserve north half, section 4, township 22, range 6, value of lands $1075, total $1075, first installment with road tax $8.17, second installment without road tax $6.34, total tax for the year 1887, $14.51, total tax including delinquency $14.51.

209 Q. Is there anything shown here as to chattels more than read in evidence?

A. No, the $220 is all there is.

210 Q. Does the record show those taxes are paid?

A. Yes, sir.

211 Q. What record have you now before you?

A. Tax duplicate, Wea township, Tippecanoe county, for the year 1887.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, south half, northwest quarter section 1, township 22, range 4, value of lands $2940, value of improvements $315, total $3255, first installment with road tax $20.18, second installment without road tax $17.58, total tax for the year 1887, $37.76, total tax including delinquency $37.76.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 22, range 4, value of lands $1400, total $1400, first installment with road tax $8.68, second installment without road tax $7.56, total tax for the year 1887, $16.24, total tax including delinquency $16.24.

Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $735, total $735, first installment with road tax $4.56, second installment without road tax $3.97, total tax for the year 1887, $8.53, total
1308 tax including delinquency $8.53.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $725, total $725, first installment with road tax $4.49, second installment without road tax $3.92, total tax for the year 1887, $8.41, total tax including delinquency $8.41.

212 Q. Anything shown by this record with reference to chattels?

A. No, sir.

213 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

— Q. What book have you now in your hands?

A. Tax duplicate Tippecanoe township, Tippecanoe county, for the year 1887.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southeast quarter, section 12, township 24, range 4, value of lands $2520, value of improvements $55, total $2575, first installment with road tax $21.63, second installment without road tax $15.19, total tax for the year 1887, $36.82, total tax including delinquency $36.82.

215 Q. Anything shown in this record as to chattels?

A. No, sir.

216 Q. Are these taxes paid as shown by the record?

A. Yes, sir.

217 Q. What record is that you have in your hand?

A. Tax duplicate Wabash township, Tippecanoe county, for the year 1887.

Defendant introduces in evidence the following from said record.

1309 Nash, Job M., 70 acres, part west half, northwest quarter, section 25, township 24, range 5, value of lands $1105, total $1105, first installment with road tax $8.62, second installmen without road tax $6.41, total tax for the year 1887, $15.03, total tax including delinquency $15.03.

218 Q. Does this record show anything with reference to the chattels?

A. No, sir.

219 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

220 Q. What record is that you have in your hands?

A. Tax duplicate Shelby township, Tippecanoe county, for the year 1887.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southeast quarter, section 8, township 24, range 5, value of lands $1390, value of improvements $65, total $1455, first installment with road tax $10.88, second installment without road tax $8.70, total tax for the year 1887, $19.58, total tax including delinquency $19.58.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $310, total $310, first installment with road tax $2.33, second installment without road tax $1.86, total tax for the year 1887, $4.19, total tax including delinquency $4.19.

Nash, Job M., 6 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $105, total $105, first in-
1310 stallment with road tax 78 cents, second installment without road tax 63 cents, total tax for the year 1887, $1.41, total tax including delinquency, $1.41.

221 Q. Is there anything shown in this record with reference to chattels?

A. No, sir.

222 Q. That is all that appears here with reference to taxes?

A. Yes, sir.

223 Q. These taxes have been paid as shown by the record?

A. Yes, sir.

224 Q. What record have you now before you?

A. Tax duplicate, Fairfield township, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said record, Nash, Job M., 40 acres, southeast quarter, southeast quarter, sec-

tion 34, township 23, range 4, value of lands $1470, total $14.70, first installment with road tax $11.17, second installment without road tax $8.97, total tax for the year 1888, $20.14, total tax including delinquency $20.14.

Nash, Job M., 12 acres, part northwest quarter, southwest quarter, section 12, township 23, range 4, value of lands $505, value of improvements $210, total $715, first installment with road tax $5.44, second installment without road tax $4.36, total tax for the year 1888, $9.80 total tax including delinquency $9.80.

Nash, Job M., 80 acres, east half, southeast quarter, section 33, township 23, range 4, value of lands $2940, total $2940, first
1311 installment with road tax $22.34, second installment without road tax $17.94, total tax for the year 1888, $40.28, total tax including delinquency $40.28.

Nash, Job M., 80 acres, east half, southeast quarter, section 32, township 23, range 4, value of lands $2940, total $2940, first installment with road tax $22.34, second installment without road tax $17.94, total tax for the year 1888, $40.28, total tax including delinquency $40.28.

225 Q. Does this record show anything with reference to chattels?

A. No chattels.

226 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

227 Q. What book have you now in your hands?

A. Tax duplicate Lauramie township, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres, southeast quarter, southwest quarter, section 29, township 21, range 3, value of lands $685, total $685, first installment with road tax $5.55, second installment without road tax $4.93, total tax for the year 1888, $10.48, total tax including delinquency $10.48.

Nash, Job M., 40 acres, southwest quarter, southeast quarter, section 29, township 21, range 3, value of lands $680, total $680, first installment with road tax $5.51, second installment without road tax $4.89, total tax for the year 1888, $10.40, total tax including delinquency $10.40.

228 Q. Does this record show anything with reference to
1312 chattels?

A. No chattels.

229 Q. Does the record show these taxes have been paid?

A. Yes, sir.

230 Q. What book have you now in your hands?

A. Tax duplicate Union township, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said record.

Nash, Job M, 31.73 acres, part west half, west half, southeast quarter, section 21, township 22, range 5, value of lands $930, total $930, first installment with road tax $6.32, second installment without road tax $5.77, total tax for the year 1888, $12.09, total tax including delinquency $12.09.

Nash, Job M., 80 acres north half, southeast quarter, section 21, township 22, range 5, value of lands $2420, total $2420, first installment with road tax $16.46, second installment without road tax $15, total tax for the year 1888, $31.46, total tax including delinquency $31.46.

Nash, Job M., 19.75 acres, part southeast quarter, southeast quarter, section 21, township 22, range 5, value of lands $595, total $595, first installment with road tax $4.05, second installment without road tax $3.68, total tax for the year 1888, $7.73, total tax including delinquency $7.73.

Nash, Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of lands $2500, total $2500, first installment with road tax $17, second installment without road tax
1313 $15.50, total tax for the year 1888, $32.50, total tax including delinquency $32.50.

Nash, Job M., 80 acres, east half, northwest quarter, section 21, township 22, range 5, value of lands $2585, improvements $315, total $2900, first installment with road tax $19.72, second installment without road tax $17.98, total tax for the year 1888, $37.70, total tax including delinquency $37.70.

231 Q. Does the record show anything with reference to any chattels?

A. No, sir.

232 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

233 Q. What record now have you?

A. Tax duplicate, Wayne township, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said record.

Nash, Job. M., chattels $500, total $500, first installment with road tax $4.10, second installment without road tax $3.40, total tax for the year 1888, $7.50, total tax including delinquency $7.50.

Nash, Job M., 160 acres, part Burnett's reserve, northwest quarter, section 6, township 22, range 6, value of lands $5030, improvements $315, total $5345, first installment with road tax $43.83, second installment without road tax $36.35, total tax for the year 1888, $80.18, total tax including delinquency $80.18.

Nash, Job M., 93.57 acres, part Burnett's reserve, south half section 4, township 22, range 6, value of lands $1075, total $1075, first installment with road tax $8.82, second installment without
1314 road tax $7.30, total tax for the year 1888, $16.12 total tax including delinquency $16.12.

234 Q. Does this record show anything with reference to chattels?
A. No, sir.
235 Q. Have these taxes been paid as shown by the record?
A. Yes, sir.
236 Q. What record have you now before you?
A. Tax duplicate, Wea township, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said record.
Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 22, range 4, value of lands $2940, value of improvements $350, total $3255, first installment with road tax $22.78, second installment without road tax $19.86, total tax for the year 1888, $42.64, total tax including delinquency $42.64.
Nash, Job M., 40 acres, northwest quarter, southeast quarter, section 1, township 22, range 4, value of lands $1400, total $1400, first installment with road tax $9.80, second installment without road tax $8.54, total tax for the year 1888, $18.34, total tax including deliquency $18.34.
Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $735, total $735, first installment with road tax $5.15, second installment without road tax $4.48, total tax for the year 1888, $9.63, total tax including deliquency $9.63.
1315 Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $725, total $725, first installment with road tax $5.07, second installment without road tax $4.43, total tax for the year 1888, $9.50, total tax including deliquency $9.50.

237 Q. Does this record show anything as to chattels?
A. No, sir.
238 Q. Have these taxes been paid as shown by the record?
A. Yes, *dir*.
239 Q. What record now have you?
A. Tax duplicate, Tippecanoe township, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said record.
Nash, Job M., 80 acres, east half, southeast quarter, section 12, township 24, range 4, value of lands $2520, value of improvements $55, total $2575, first installment with road tax $20.08, second installment without road tax $20.08, total tax for the year 1888, $44.03, total tax including delinquency $44.03.

240 Q. Does the record show anything with reference to chattels?
A. No sir, it does not.
241 Q. Have these taxes been paid as shown by the record?
A. They have been.
— Q. What record is that you have now?

A. Tax duplicate, Shelby township, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said
1316 record.

Nash, Job M., 80 acres, east half, southwest quarter, section 8, township 24, range 5, value of lands $1390, value of improvements $65, total $1455, first installment with road tax $12.66, second installment without road tax $10.48, total tax for the year 1888, $23.14, total tax including delinquency $23.14.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5, value of land $310, total $310, first installment with road tax $2.70, second installment without road tax $2.23, total tax for the year 1888, $4.93, total tax including delinquency $4.93.

Nash, Job M., 6 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $105, total $105, first installment with road tax 91 cents, second installment without road tax 75 cents, total tax for the year 1888, $1.66, total tax including delinquency $1.66.

243 Q. What record is this?

A. Tax duplicate, Wabash township, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said record.

Nash, Job M., 70 acres, part west half, northwest quarter, section 25, township 24, range 5, value of lands $1105, total $1105, first installment with road tax $8.95, second installment without road tax $6.96, total tax for the year 1888, $15.91, total tax including delinquency $15.91.

244 Q. Does this show anything with reference to chattels?

1317 A. No, sir.

245 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

246 Q. What book is that?

A. Tax duplicate, Fairfield township, Tippecanoe county, for the year 1889.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres, southwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $1470, total $1470.

Nash, Job M., 12 acres, part northwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $505, value of improvements $210, total $715.

Nash, Job M., 80 acres, east half, southeast quarter, section 34, township 23, range 4, value of lands $2940, total $2940.

Nash, Job M., 80 acres, east half, southeast quarter, section 32, township 23, range 4, value of lands $2940, total $2940, first installment with road tax $70.17, second installment without road tax

$57.26, total tax for the year 1889, $127.43, total tax including delinquency $127.43.

247 Q. Anything shown in this record with reference to his chattels?

A. No, sir.

248 Q. These taxes have been paid as shown by the record?

A. Yes, sir.

249 Q. What record now have you before you?

1318 A. Union township, Tippecanoe county, for the year 1889.

Defendant introduces in evidence the following from said record.

Nash, Job M., chattels $270, total $270.

Nash, Job M., 31.73 acres, part west half, west half, south east quarter, section 21, township 22, range 5, value of lands $930, total $930.

Nash, Job M., 80 acres, north half, southwest quarter, section 21, township 22, range 5, value of lands $2420, total $2420.

Nash, Job M., 19.75 acres, part southeast quarter, southwest quarter, section 21, township 22, range 5, value of lands $595, total $595.

Nash, Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of lands $2500, total $2500.

Nash, Job M., 80 acres, east half, northwest quarter, section 21, township 22, range 5, value of lands $2585, value of improvements $315, total $2900, first installment with road tax $75, second installment without road tax $69.23, total tax for the year 1889, $144.23, total tax including delinquency $144.23.

250 Q. Does this record show anything more than I have read with reference to chattels?

A. No, sir.

251 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

252 Q. What record now have you before you?

A. Tax duplicate, Wea township, Tippecanoe county for the year 1889.

1319 Defendant introduces in evidence the following from said record.

Nash, Job M., chattels $200, total $200.

Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 22, range 4, value of lands $2940, value of improvements $315, total $3255.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 22, range 4, value of lands $1400, total $1400.

Nash, Job M., 20 acres, east half southeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $735, total $735.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $725, total $725, first installment with road tax $51.15, second installment without road tax $44.21, total tax for the year $95.36, total tax including delinquency $95.36.

253 Q. Does the record show any sum with reference to chattels than I have read?

A. No, sir.

254 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

255 Q. What record have you now before you?

A. Tax duplicate, Tippecanoe township, Tippecanoe county, for the year 1899.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southeast quarter, section 12, township 24, range 4, value of lands $2520, value of improvements $55, total $2575, first installment with road tax $24.72, sec-
1320 ond installment without road tax $18.80, total tax for the year 1889, $43.52, total tax including delinquency $43.52.

256 Q. Is there anything shown here with reference to chattels?

A. No chattels.

257 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

258 Q. What record have you now before you?

A. Tax duplicate, Wabash township, Tippecanoe county, for the year 1889.

Defendant introduces in evidence the following from said record.

Nash, Job M., 70 acres, part west half, northwest quarter, section 35, township 24, range 5, value of lands $1105, total $1105, first installment with road tax $9.83, second installment without road tax $7.89, total tax for the year 1889, $17.68, total tax including delinquency $17.68.

259 Q. Does this record show anything with reference to chattels?

A. No, sir.

260 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

261 Q. What record now have you before you?

A. Tax duplicate, Shelby township, Tippecanoe county, for the year 1889.

Defendant introduces in evidence the following from said record.

1321 Nash, Job M., 80 acres, east half, southwest quarter, section 8, township 24, range 5, value of lands $1390, value of improvements $65, total $1455.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $310, total $310.

Nash, Job M., 6 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $105, total $105, first installment with road tax $17.95, second installment without road tax $15.15, total tax for the year 1889, $33.10, total tax including delinquency $33.10.

262 Q. Does this record show anything with reference to his chattels?

A. No, sir, no chattels.

263 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

264 Q. What record have you now before you?

A. Tax duplicate, Wayne township, Tippecanoe county, for the year 1889.

Defendant introduces in evidence the following from said record.

Nash, Job M., chattels $180, total $180.

Nash, Job M., 93.57 acres, part Burnett's reserve, south half, section 4, township 22, range 6, value of lands $1075, total $1075, first installment with road tax $11.17, second installment without road tax $9.79, total tax for the year 1889, $20.96, total tax including delinquency $20.96.

265 Q. Does this record show anything with reference to his chattels more than I have read?

1322 A. It does not.

266 Q. Have these taxes been paid as shown by the record.

A. They have.

267 Q. What record have you now before you?

A. Tax duplicate, Fairfield township, Tippecanoe county, for the year 1890.

Defendant introduces in evidence the following from said record.

Nash, Job M., 40 acres, part northwest quarter, southwest quarter, section 34, township 23, range 4, value of lands, $1470, total $1470.

Nash, Job M., 12 acres, part northwest quarter, southwest quarter, section 34, township 23, range 4, value of lands $505, value of improvements $210, total $715.

Nash, Job M., 80 acres, east half, southeast quarter, section 33, township 23, range 4, value of lands $2940, total $2940.

Nash, Job M., 80 acres, east half, southeast quarter, section 32, township 23, range 4, value of lands $2940, total $2940, first installment with road tax $96.78, second installment without road tax $83.07, total tax for the year 1890, $179.85.

268 Q. Does the record show anything with reference to chattels?

A. No, sir.

269 Q. Have these taxes been paid according to the record?

A. Yes, sir.

270 Q. What record have you now before you?

A. Tax duplicate Union township, Tippecanoe county, for

1323 the year 1890.

Defendant introduces in evidence the following from said record.

Nash, Job M., 31.73 acres, part west half, west half, southeast quarter, section 21, township 22, range 5, value of lands $930, total $930.

Nash, Job M., 80 acres, north half, southwest quarter, section 21, township 22, range 5, value of lands $2420, total $2420.

Nash, Job M., 19.75 acres, part southeast quarter, southwest quarter, section 21, township 22, range 5, value of lands $595, total $595.

Nash, Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of lands $2500, total $2500.

Nash, Job M., 80 acres, east half, northwest quarter, section 21, township 22, range 5, value of lands $2585, value of improvements $315, total $2900, first installment with road tax $70.09, second installment without road tax $65.41, total tax for the year 1890, $135.50.

271 Q. Does this show anything with reference to chattels?

A. No chattels.

272 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

273 Q. What record have you now before you?

A. Tax duplicate Wea township, Tippecanoe county, for the year 1890.

Defendant introduces in evidence the following from said record.

1324 Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 22, range 4, value of lands $2940, value of improvements $315, total $3255.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 22, range 4, value of lands $1400, total $1400.

Nash, Job M., 20 acres, east half, northeast quarter, south east quarter, section 2, township 22, range 4, value of lands, $735, total $735.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $725, total $725, first installment with road tax $50.15, second installment without road tax $44.64, total tax for the year 1890, $94.78.

274 Q. Is there anything shown by this record as to his chattels?

A. No, sir.

275 Q. Have these taxes been paid as shown by the record?

A. Yes, sir.

276 Q. What record have you now before you?

A. Tax duplicate, Wabash township, Tippecanoe county, for the year 1890.

Defendant introduces in evidence the following from said record.

Nash, Job M., 70 acres, part west half, northwest quarter, section 25, township 24, range 5, value of lands $1105, total $1105, first installment with road tax $11.71, second installment without road tax $9.83, total tax for the year 1890, $21.54.

277 Q. Is there anything shown in this record with refer-

1325 ence to his chattels?

A. No, sir.

278 Q. Have these taxes been paid as shown by this record?

A. Yes, sir.

279 Q. What record now have you?

A. Tax duplicate, Tippecanoe township, Tippecanoe county, for the year 1890?

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half southeast quarter, section 12, township 24, range 4, value of lands, $2520, value of improvements $55, total $2575, first installment with road tax $28.50, second installment without road tax $21.89, total tax for the year 1890, $50.47.

280 Q. Anything in this record with reference to chattels?

A. No, sir.

281 Q. Have these taxes been paid?

A. Yes, sir.

282 Q. What record now have you?

A. Tax duplicate, Shelby township, Tippecanoe county, for the year 1890.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southwest quarter, section 8, township 24, range 5, value of lands $1390, value of improvements, $65, total $1455.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $310, total $310.

1326 Nash, Job M., 6 acres, west half, southeast quarter, section 8, township 24, range 5, value of lands $105, total $105, first installment with road tax $18.33, second installment without road tax $15.52, total tax for the year 1890, $33.85.

283 Q. Anything shown with reference to the chattels by this record?

A. No, sir.

284 Q. Have these taxes been paid?

A. Yes, sir.

285 Q. What record now have you before you?

A. Wayne township, Tippecanoe county for the year 1890.

Defendant introduces in evidence the following from said record.

Nash, Job M., 93.57 acres, part Burnett's reserve south half, section 4, township 22, range 6, value of lands $1075, total $1075, first installment with road tax $9.78, second installment without road tax $8.60, total tax for the year 1890, $18.38.

286 Q. Does this record show anything with reference to chattels?

A. It does not.

287 Q. Have these taxes been paid?

A. They have as shown by the record.

288 Q. What record have you now before you?

A. Tax duplicate, Union township, Tippecanoe county, for the year 1891.

Defendant introduces in evidence the following from said record.

Nash, Job M., 31.73 acres, part west half, west half, south
1327 east quarter, section 21, township 22, range 5, value of lands $1050, total $1050.

Nash, Job M., 80 acres, part west half, southwest quarter, section 21, township 22, range 5, value of lands $2940, total $2940.

Nash, Job M., 19.75 acres, part southeast quarter, southwest quarter, section 21, township 22, range 5, value of lands $735, total $735.

Nash, Job M., 80 acres, west half, northwest quarter, section 21, township 22, range 5, value of lands $2940, total $2940, first installment with road tax $55.19, second installment without road tax $50.59, total tax for the year 1891, $105.78.

289 Q. Does this show anything with reference to chattels?

A. No chattels.

290 Q. Have these taxes been paid?

A. Yes, sir.

291 Q. What record have you now before you?

A. Tax duplicate, Fairfield township, Tippecanoe county for the year 1891.

Defendant introduces in evidence the following from said record.

Nash, Job M., 79.80 acres, part east half, southeast quarter, section 32, township 23, range 4, value of lands $2395, value of improvements $150, total $2545, first installment with road tax $28.75, second installment without road tax $24.95, total tax for the year 1891, $53.70.

292 Q. Does this record show anything with reference to his chattels?

A. No, sir.

293 Q. Have these taxes been paid?

1328 A. Yes, sir.

294 Q. What record have you before you?

A. Tax duplicate, Wea township, Tippecanoe county, for the year 1891.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 22, range 4, value of lands $2730, value of improvements, $60.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 22, range 4, value of lands $1370.

Nash, Job M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 22, range 4, value of lands $630.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 22, range 4, value of lands $525, value of improvements $300, total $5615, first installment with road tax $43.24, second installment without road tax $39.30, total tax for the year 1891, $82.50.

295 Q. Anything shown by the record here with reference to his chattels?

A. No, sir.

296 Q. Have these taxes been paid?

A. Yes, sir.

297 Q. What record now have you?

A. Tax duplicate, Tippecanoe township, for the year 1891.

Defendant introduces in evidence the following from said record.

1329 Nash, Job M., 80 acres, east half, southeast quarter, section 12, township 24, range 4, value of lands, $3500, value of improvements $100, total $3600, first installment with road tax $35.28, second installment — road tax $28.08, total tax for the year 1891, $63.36.

298 Q. Does this record show anything with reference to his chattels?

A. It does not.

299 Q. Have these taxes been paid?

A. They have.

300 Q. What record have you now before you?

A. Tax duplicate Wabash township, Tippecanoe county for the year 1891.

Defendant introduces in evidence the following from said record.

Nash, Job M., 70 acres, part west half, northwest quarter, section 35, township 24, range 5, value of lands $1700, total $1700, first installment with road tax $17.68, second installment without road tax $14.96, total tax for the year 1891, $32.64.

301 Q. Does this record show anything with reference to his chattels?

A. It does not.

302 Q. Have these taxes been paid?

A. They have.

303 Q. What record now have you before you?

A. Tax duplicate Shelby township, Tippecanoe county for the year 1891.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southwest quarter, section
1330 8, township 24, range 5, value of lands $1440, value of improvements $75.

Nash, Job M., 18 acres, part west half, southeast quarter, section 8, township 24, range 5.

Nash, Job M., 6 acres, part west half, southeast quarter, section 8, township 24, range 5, value of lands $545, total $2060, first installment with road tax $18.34, second installment without road tax $15.65, total tax for the year 1891, $33.99.

304 Q. Does this record show anything with reference to his chattels?

A. No, sir.

305 Q. Have these taxes been paid?

A. Yes, sir.

306 Q. What record have you now before you?

A. Tax duplicate, Wayne township, Tippecanoe county, for the year 1891.

Defendant introduces in evidence the following from said record.

Nash, Job M., 93.57 acres, part Burnett's reserve, south half, section 4, township 22, range 6, value of lands $1330, total $1130, first installment with road tax $11.17, second installment without road tax $9.31, total tax for the year 1891, $20.48.

307 Q. Does this record show anything with reference to his chattels?

A. Nothing.

308 Q. Have these taxes been paid?

A. Yes, sir.

309 Q. What record have you now?

A. Tax duplicate, Fairfield township, Tippecanoe county for the year 1892.

1331 Defendant introduces in evidence the following from said record.

Nash, Job M., 79.80 acres, part east half, southeast quarter, section 32, township 23, range 4, value of lands $2395, value of improvements $150, total $2545, first installment with road tax $20.00, second installment without road tax $15.52, total tax for the year 1892, $35.63.

310 Q. Does this record show anything with reference to his chattels?

A. It does not.

311 Q. Have these taxes been paid?

A. Yes, sir, they have.

312 Q. What record have you now before you?

A. Tax duplicate, Union township, Tippecanoe county, for the year 1892.

Defendant introduces the following in evidence from said record.

Nash, Job M., 31.73 —, part west half, west half, southeast quarter, section 21, township 22, range 5, value of lands $1050.

Nash, Job M., 80 acres, west half, southwest quarter, southwest quarter, section 21, township 22, range 5, value of lands $735.

Nash, Job M., 80 acres, west half, northeast quarter, section 21, township 22, range 5, value of lands $2940, total $8215, first installment with road tax $57.51, second installment without road tax $50.93, total tax for the year 1892, $118.44.

313 Q. Does this record show anything with reference to his chattels more than I have read?

A. $550, what you read is all.

314 Q. Have these taxes been paid?

1332 A. Yes, sir.

315 Q. What have you now?

A. Tax duplicate, Wea township, Tippecanoe county, for the year 1892.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, south half, northwest quarter, section 1, township 23, range 4, value of lands $2730, value of improvements $60.

Nash, Job M., 40 acres, northwest quarter, southwest quarter, section 1, township 23, range 4, value of lands $1345, value of improvements $25.

Nash, Job, M., 20 acres, east half, northeast quarter, southeast quarter, section 2, township 23, range 4, value of lands $620, improvements $10.

Nash, Job M., 19.75 acres, part southeast quarter, northeast quarter, section 2, township 23, range 4, value of lands $525, value of improvements $300, total $5615, first installment with road tax $39.86, second installment without road tax $35.38, total tax for the year 1892, $75.24.

316 Q. Does this record show anything with reference to his chattels?

A. No, sir.

317 Q. Have these taxes been paid?

A. Yes, sir.

318 Q. What record have you now?

A. Tax duplicate, Tippecanoe township, Tippecanoe county, for the year 1892.

Defendant introduces in evidence the following from said record.

Nash, Job M., 80 acres, east half, southeast quarter, section

1333 12, township 24, range 4, value of lands $3500, value of improvements $100, total $3600, first installment with road tax $30.96, second installment without road tax $21.60, total tax for the year 1892, $52.56.

319 Q. Does it show anything with reference to the chattels?

A. It does not.

320 Q. Have these taxes been paid?

A. They have.

321 Q. Now what record have you?

A. Tax duplicate Fairfield township, Tippecanoe county, for the year 1893.

Defendant introduces in evidence the following from said record.

Nash, Job M., 79.80 acres, part east half, southeast quarter, section 32, township 23, range 4, value of lands $2395, value of improve-

ments $150, total $2545, first installment with road tax $30.02, second installment without road tax $24.95, total tax for the year 1893, $54.97.

322 Q. Does this show anything with reference to the chattels?
A. No, sir.
323 Q. Have these taxes been paid?
A. Yes, sir.
324 Q. What record have you now before you?
A. Tax duplicate, Union township, Tippecanoe county for the year 1893.

Defendant introduces in evidence the following from said record.
Nash, Job M., 80 acres, east half, northwest quarter, section
1334 21, township 22, range 5, value of lands $2940, value of improvements $560, total $3500, first installment with road tax $23.80, second installment without road tax $21.70, total tax for the year 1893, $45.50.

325 Q. Does this record show anything with reference to the chattels?
A. It does not.
326 Q. Have these taxes been paid?
A. They have.
327 Q. What record now have you?
A. Tax duplicate, Tippecanoe township, Tippecanoe county, for the year 1893.

Defendant introduces in evidence the following from said record:
Nash, Job M., 80 acres, east half, southeast quarter, section 12, township 24, range 4, value of lands $3500, value of improvements $100, total $3600, first installment with road tax $32.73, second installment without road tax $24.15, total tax for the year 1893, $56.88.

328 Q. Does this record show anything with reference to his chattels?
A. It does not.
329 Q. Have these taxes been paid?
A. They have.

This hearing is adjourned at 12 o'clock noon, Saturday, August 3, 1901, until this afternoon at 1:30 o'clock.

LAFAYETTE, IND.,
Saturday, August 3, 1901—2 o'clock p. m.

1335 The parties met as heretofore and the proceedings continued as follows:

By Judge LANGDON:

330 Q. What record have you before you now?
A. Tax duplicate city of Lafayette, Tippecanoe county, for the year 1887.

Defendant introduces in evidence the following from said record: Nash, Job M., chattels $26,050, total $26,050, first installment with road tax $140.67, second installment without road tax $140.67, total tax for the year 1887, $281.34, total tax including delinquency, $281.34.

331 Q. You may state whether those taxes have been paid?
A. The record shows they have been paid.
332 Q. What record have you before you now?
A. Tax duplicate, city of Lafayette, Tippecanoe county, for the year 1888.

Defendant introduces in evidence the following from said record. Nash, Job M., chattels $64,250, total $64,250, first installment with road tax $372.65, second installment without road tax $372.65, total tax for the year 1888, $745.30, total tax including delinquency $745.30.

333 Q. Are these taxes paid?
A. Yes, sir.
334 Q. Now, what record have you before you?
A. A tax duplicate, city of Lafayette, for the year 1889.

Defendant introduces in evidence the following from said record. Buck, James, agent, Job M. Nash, chattels $66,170, total
1336 $66,170, first installment with road tax $446.65, second installment without road tax $446.65, total tax for the year 1889, $893.30, total tax including delinquency $893.30.

335 Q. Has that tax been paid?
A. Yes, sir.
336 Q. What record have you before you?
A. Tax duplicate, city of Lafayette, Tippecanoe county, for the year 1890.

Defendant introduces in evidence the following from said record. Nash, Job M., chattels $70,600, total $70,600, first installment with road tax $624.81, second installment without road tax $624.81, total tax for the year 1890, $1249.62.

337 Q. Have these taxes been paid?
A. They have.
338 Q. What record have you now before you?

A. A tax duplicate for 1891, city of Lafayette, Tippecanoe county.

Defendant introduces in evidence the following from said record. Nash, Job M., J. Buck, agent, chattels $62,650, total $62,650, first installment with road tax $520, second installment without road tax $519.99, total tax for the year, 1891, $1039.99.

339 Q. Have these taxes been paid?
A. They have.
340 Q. What record have you got there now?
A. Tax duplicate, city of Lafayette, for the year 1892, Tippecanoe county.

Defendant introduces in evidence the following from said record.

1337 Nash, Job M., chattels $57,450, total $57,450, first installment with road tax $330.34, second installment without road tax $330.34, total tax for the year 1892, $660.68.

341 Q. Have these taxes been paid?
A. They have.
342 Q. What record have you now before you?
A. Tax duplicate, city of Lafayette, Tippecanoe county, for the year 1893.

Defendant introduces in evidence the following from said record. Nash, Job M., chattels $60,620, total $60,620, first installment with road tax $591.04, second installment without road tax $591.04, total tax for the year 1893, $1182.04.

343 Q. Have these taxes been paid?
A. Yes, sir.

It is agreed by the parties hereto that if the fact is in any wise competent or relevant to the issues in this case, that the lands and lots owned by Job M. Nash and situate in Tippecanoe county, in the State of Indiana, were assessed and the taxes thereon paid for each of the years from 1880 to 1894 inclusive.

344 Q. What record have you got before you now?
A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1894.

Defendant offers to read in evidence from said record as follows:

Plaintiff objects to the introduction of this evidence on the
1338 ground it is not material to the issue involved. That this suit is to collect taxes placed on the duplicate by the auditor for the years 1881 to 1893, inclusive, and the question as to whether or not the taxes since 1893 have been paid is not in issue.

Coffroth, John R., executor Job Nash, total $21,570, first installment with road tax $195.21, second installment without road tax $195.21, total tax for the year 1894, $390.42.

345 Q. Has that tax been paid?
A. Yes, sir.

Defendant introduces in evidence the following from said record:

Plaintiff objects to the introduction of this evidence on the ground it is not material to the issue involved. That this suit is to collect taxes placed on the duplicate by the auditor for the years 1881 to 1893 inclusive, and the question as to whether or not the taxes since 1893 have been paid is not in issue.

Buck and Goodman, trustees, Job M. Nash, total $91,875, first installment with road tax $831.47, second installment without road tax $831.47, total tax for the year 1894, $1662.94.

346 Q. Have these taxes been paid?

A. Yes, they have been paid.

347 Q. What record have you now?

A. Tax duplicate, city of Lafayette, Tippecanoe county, for the year 1895.

1339 Defendant introduces in evidence the following from said record.

Plaintiff objects to the introduction of this evidence on the ground it is not material to the issue involved. That this suit is to collect taxes placed on the duplicate by the auditor for the years 1881 to 1893, inclusive, and the question as to whether or not the taxes since 1893 have been paid is not in issue.

James Buck *et al.*, trustees estate Job Nash, total $130,100, first installment with road tax $709.04, second installment without road tax $709.05, total tax for the year 1895, $1418.09.

348 Q. Have these taxes been paid?

A. Yes, sir.

349 Q. What record have you now before you?

A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1896.

Defendant introduces in evidence the following from said record.

Plaintiff objects to the introduction of this evidence on the ground it is not material to the issue involved. That this suit is to collect taxes placed on the duplicate by the auditor for the years 1881 to 1894 inclusive, and the question as to whether or not the taxes since 1893 have been paid is not in issue.

Buck, James, trustee under the will of Job M. Nash, total $127,100, ffrst installment with road tax $680, second installment with-
1340 out road tax $679.97, total tax for the year 1896, 1359.97.

350 Q. Have these taxes been paid?

A. Yes, sir.

351 Q. What record have you now?

A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1897.

Defendant introduces in evidence the following from said record.

Plaintiffs object to the introduction of this evidence on the ground it is not material to the issue involved. That this suit is to collect

taxes placed on the duplicate by the auditor for the years 1881 to 1893, inclusive, and the question as to whether or not the taxes since 1893, have been paid is not in issue.

Buck, James, trustee, total $113,755, first installment with road tax $722.34, second installment without road tax $722.35, total tax for the year 1897, $1444.69.

352 Q. Have these taxes been paid?

A. They have.

353 Q. What record have you now before you?

A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1898.

Defendant introduces in evidence the following from said record:

Plaintiff objects to the introduction of this evidence on the ground that it is not material to the issue involved. That this suit is
1341 to collect taxes placed on the duplicate by the auditor for the years 1881 to 1893, inclusive, and the question as to whether or not the taxes since 1893 have been paid is not in issue.

Buck, James, trustee, Job M. Nash, total $110,085, first installment with road tax $666.03, second installment without road tax $666.02, total tax for year 1898, $1332.05.

354 Q. Have these taxes been paid?

A. Yes, sir.

355 Q. Now, what record have you before you?

A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1899.

Defendant introduces in evidence the following from said record.

Plaintiff objects to the introduction of this evidence on the ground it is not material to the issue involved. That this suit is to collect taxes placed on the duplicate by the auditor for the years 1881 to 1893 inclusive, and the question as to whether or not the taxes since 1893 have been paid is not in issue.

Buck, James, trustee, Nash estate, chattels $92,090, total $92,090, first installment with road tax $557.14, second installment without road tax $557.15, total taxes for the year 1899, $1114.29.

356 Q. These taxes have been paid?

A. Yes, sir.

357 Q. What record have you now before you?

A. Tax duplicate, city of Lafayette, Tippecanoe county, for the year 1900.

1342 Defendant introduces in evidence the following from said records.

Plaintiff objects to the introduction of this evidenc on the ground it is not material to the issue involved. That this suit is to collect taxes placed on the duplicate by the auditor for the years 1881 to 1893, inclusive, and the question as to whether or not the taxes since 1893 have paid is not in issue.

Buck and Goodman, trustees Job Nash, total $105,400, first installment with road tax $658.75, second installment without road tax $658.75, total tax for the year 1900, $1317.50.

358 Q. Have these taxes been paid?
A. May installment is paid only.
359 Q. First installment has been paid?
A. Yes, sir.

By Mr. HANLY:

360 Q. What is the second installment?
A. $658.75.

By Judge LANGDON:

361 Q. What record have you before you?
A. Tax duplicate city of Lafayette, Tippecanoe county, 1894.

Defendant introduces in evidence the following from said record:
Job M. Nash, estate 1881, by C. F. Rinehart, county assessor August 5, 1895, $150, total tax for the year 1881, $1.58.
Job M. Nash estate, 1882, chattels $150, total tax for the year 1882, $1.57.
1343 Job M. Nash estate, 1883, chattels $150, total tax for the year 1883, $1.82.
Job M. Nash estate, 1884, chattels $150, total tax for the year 1884, $1.78.
Job M. Nash estate, 1885, chattels $150, total tax for the year 1885, $1.62.
Job M. Nash estate, 1886, chattels $150, total tax for the year 1886, $1.62.
Job M. Nash estate, 1892, chattels $150, total tax for the year 1892, $1.73.

362 Q. Have these taxes been paid?
A. Yes, sir.

By M. HANLY:

363 Q. When were they paid?
A. That will be pretty difficult to tell.

By Judge LANGDON:

364 Q. Was it done at the same time?
A. It was paid some time in 1895.
365 Q. After the date of August 5, 1895?
A. It must have been.

By Mr. LANGDON: It is admitted that the $150 for the several years from 1881 to 1886, inclusive, and 1892 are assessments on two safes for each of those years.
366 Q. What book have you now before you?

A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1900.

Defendant introduces in evidence the following from said record Buck, James, trustee, Job M. Nash estate, mortgage note for the year 1887, Minerva Fowler, $27,000, brought forward from
1344 duplicate 1894, total tax for the year 1900, $291.60, delinquent list May, 1901, tax 1900, delinquent $291.60, penalty and interest $29.16, total delinquent tax $320.76, penalty and interest $17.49, total tax delinquent including former years $338.25.

367 Q. Have those taxes, penalty and interest been paid?
A. Yes, sir.

By Mr. HANLY:

368 Q. When was it paid?
A. July 19, 1901.

By Judge LANGDON:

369 Q. That was this item $338.25?
A. Yes, sir.
370 Q. What record now have you?
A. Tax duplicate, city of Lafayette, Tippecanoe county, for the year 1896.

Defendant introduces in evidence the following from said record. Job M. Nash estate, James Buck, trustee under the will, omitted taxes placed on the duplicate October 19, 1897. Year 1881 total $745, total tax for the year 1881, $7.82, total tax penalty and interest $7.82.

Job M. Nash estate, James Buck, trustee under the will, year 1882, total $15,350, total tax for the year 1882, $161.18, total tax penalty and interest $161.18.

Job M. Nash estate, James Buck, trustee under the will, year 1883, total $2,145, total tax for the year 1883, $29.95, total tax pen-
1345 alty and interest $25.95.

Job M. Nash estate, James Buck, trustee under the will for the year 1884, total 30,740, total tax for the year 1884, $365.81, total tax penalty and interest $365.81.

Job M. Nash estate, James Buck, trustee under the will, for the year 1885, total $29,215, total tax for the year 1885, $315.52, total tax, interest and penalty $315.52.

Job M. Nash estate, James Buck, trustee under the will, for the year 1886, total $7,200, total tax for the year 1886, $77.78, total tax penalty and interest $77.76.

Mr. HANLY: The above entries are under the heading, Assessed by the auditor, which were put on by the auditor after the tax duplicate was made.

371 Q. Were these taxes paid, penalties and interest?
A. The taxes were paid. There was no penalty or interest.

372 Q. How much was the total amount of these taxes?
A. $954.04. They were paid October 20th, 1897.

By Mr. HANLY:

373 Q. Mr. Baugh, as treasurer, I will ask you if you have examined the several tax duplicates in your office from the year 1881 to the year 1893, inclusive, together with the other tax records in your office and to state whether or not there was any property assessed in the name of Job M. Nash, or in the name of James Buck, trustee of Job M. Nash, or in the name of any other agent or trustee other than the property returned and taxes paid as
1346 already set out in your examination?
A. No, I think not. That which is placed on here by Will Wood comes in 1894.
374 Q. I am speaking of taxes returned and paid?
A. That is all paid. There is nothing more on there.
375 Q. That is all that has been paid what you have gone over?
A. Yes, sir.

By Judge LANGDON:

376 Q. You are speaking of all the property that has been spoken of here in the evidence from the records in your office that all the taxes thereon have been paid?
A. Yes, sir.
377 Q. And all taxes that were assessed against Job M. Nash or any of his property as it appears on your record has been paid, except that which has been involved in the assessment made by William R. Wood?
A. Yes, sir.

By Mr. HANLY:

378 Q. Which is the same as the matters involved in this suit?
A. Yes, sir.

By Judge LANGDON:

379 Q. Except where it is shown since that some of the property that was involved there is shown by your record to have been paid, you except those?
A. Yes, sir.
380 Q. What tax or assessment is unpaid or due on account of any property of Job M. Nash during the year of 1881 to
1347 1893, both inclusive, as shown by your records, except that which may have been covered by the assessment made by the auditor and mentioned in the counter claim and involved in this case?
A. None.

Adjourned at 4 o'clock, Saturday, August 3, 1901, until Saturday morning, August 10, 1901.

LAFAYETTE, IND,
Saturday, Aug. 10, 1901—10 o'clock a. m.

The parties met pursuant to adjournment.

Present as heretofore. The further taking of these depositions is continued as follows:

It is agreed between the parties that the assessment made by C. F. Rinehart, county assessor, August 5, 1895, for each of the years 1881, 1882, 1883, 1884, 1885 and 1886, both inclusive, and 1892, were assessments on the chattels consisting exclusively of two safes.

JOHN R. GLADDEN, being first duly sworn deposes as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. You may state your name.
A. John R. Gladden.
2 Q. Where do you reside?
A. Lafayette.
1348 3 Q. What, if any, official position do you occupy now?
A. County recorder, Tippecanoe county, Indiana.
4 Q. What record is that you have before you?
A. Record 32 of Mortgages, Tippecanoe county, Indiana.

Defendant reads in evidence record of mortgage recorded in Mortgage Record 32, page 431, as follows:

This indenture witnesseth, that Newton O. Borum, (unmarried) of Tippecanoe county, in the State of Indiana, mortgage and warrant to Job M. Nash of Westchester county, in the State of New York for the sum of fifteen hundred (1500) dollars in the following described real estate, situate in Tippecanoe county in the State of Indiana to-wit: The south east quarter (¼) section fourteen (14) township twenty-one (21) north range six (6) west, containing one hundred and sixty (160) acres. To secure the payment of one promissory note, dated Lafayette, Indiana, January 10, 1884 for the sum of fifteen hundred (1500) dollars, and said note being payable to the order of Job M. Nash, due three (3) years from date at the National State Bank of Lafayette, Indiana, bearing seven (7) per cent, interest from date payable semi-annually until paid and attorney's fees, without any relief whatever from valuation or appraisement laws, and signed by mortgager (Newton O. Borum) and it is hereby expressly stipulated and agreed that said mortgager may pay five hundred (500) dollars upon said note at the end of each year before maturity. And said mortgagor further agrees that in case the mort-
1349 gagor or his executors, administrators or assigns, shall at any time hereafter, until said sum and all arrearages of interest thereon shall be fully paid, suffer the premises hereinbefore described, or any part thereof, to be sold for any tax or assessment whatever, or shall do or permit to be done to, in, upon or about said

premises, or any part thereof, anything that may in any wise weaken or diminish the security intended under and by virtue of this instrument, or shall fail, neglect or refuse to perform and fulfil any of the covenants, stipulations or agreements herein contained, then the said sum and arrearages of interest shall, at the option of the owner of said note, become immediately due and payable, and may be collectible at any time after such default. And said mortgagor further consents that in case suit is brought to foreclose this mortgage the court, in which said suit is pending, may appoint a receiver to collect and take charge of the rents and profits or the mortgaged premises, and account for the same after paying his reasonable expenses and charges for service, to the purchaser of the property, if not redeemed, and to the party entitled in case of redemption.

In witness whereof, the said mortgagor, Newton O. Borum (unmarried) has hereunto set his hand and seal this 10th day of January, A. D. 1884.

NEWTON O. BORUM. [SEAL.]

1350 STATE OF INDIANA, } ss:
Tippecanoe County, }

Before me, W. V. Stuart, a notary public in and for said county, personally appeared the above named mortgagor, Newton O. Borum (unmarried) and acknowledged the execution of the annexed mortgage. Witness my hand and notarial seal this 10th day of January A. D. 1884.

[L. S.] W. V. STUART,
Notary Public.

A true copy recorded January 10th, 1884, at 3 o'clock p. m.
N. I. THROCKMORTON, Rec'd'r.

The above mortgage is fully satisfied and paid & hereby released Oct. 4, 1887.

JOB. M. NASH,
By JAMES BUCK,
His Attorney in Fact.

Attest: DAVID BRYAN, Recorder.
J. B. ALEXANDER, Deputy.

HARVEY H. CHENEY, being first duly sworn deposes as follows:

Direct examination by Judge LANGDON, counsel for defendants:

1 Q. What is your name?
A. Harvey H. Cheney.
2 Q. Where do you live?
A. Lafayette, Indiana.
3 Q. What is your business?

A. Deputy county auditor, Tippecanoe county, Indiana.
4. What record is that you have in your hand?
A. Assessment sheets for the year 1887 city of Lafayette, Tippecanoe county.

1351 Defendant reads in evidence the assessment list of Job M. Nash made by James Buck, agent of Nash, subscribed and sworn to by him April 27, 1887, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All the Personal Property Held By Job N. Nash, of Fairfield Township, in Tippecanoe County, on the 1st Day of April, 1887.

No.	Description of property.	Valuation by party	Valuation by assessor.
1	Moneys on hand or on deposit within or without this State, subject to my order, check or draft	200	
2	All moneys loaned by me on time or on call	24,000	
3	All bonds belonging to me or in which I have any interest, issued by bodies corporate, either within or without this State		
4	All bonds belonging to me or in which I have any interest, issued by public corporations, including State, county, city, town, or other bonds of this class.		
5	All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State, and conducting its business outside of this State.		
6	Value of goods and merchandise on hand		
7	Value of articles purchased, received or otherwise held, for the		

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	purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining.		
8	Value of manufactured articles on hand		
9	Value of manufacturing tools, implements and machinery, (other than engines and boilers, which shall be listed as such)		

10	Value of agricultural tools, implements and machinery		
11	Value of gold or silver plate and plated ware		
12	Value of diamonds and jewelry		
13	Value of household furniture and library		
14	Value of mechanical tools, law and medical books, surgical instruments and medicine		
15	Value of nursery stock		
16	Value of property such person is required to list as a pawnbroker		
17	Value of property of companies and corporations other than property hereinbefore enumerated		
18	Value of property of saloons and eating houses		
19	Value of market garden products		
20	Value of home-made manufactures		
21	Value of slaughtered animals		
1353			
22	Every franchise, and description and value		
23	Value of brick, stone and all other building material on hand		
24	Number of steamboats, sailing vessels, wharf boats, canal boats, barges or other water craft, either within or without this State, and value	No	
25	Number of patent rights, and value		
26	Number of steam engines, including boilers, and value		
27	Number of fire and burglar proof safes and value	2	50
28	Number of billards, pigeon hole, bagatelle, and other similar tables, and value		
29	Number of piano fortes and other musical instruments, and value		
31	Number of watches and clocks and value		
32	Number of carriages, wagons, coaches, hacks, carts, drays		

or other vehicles, and value
33 Number of hoop poles, and value
34 Number or horses, and value
35 Number of mules, jacks and jennets, and value
36 Number of cattle and value
37 Number of sheep and value
38 Number of hogs, and value

1354

39 Number of cords of wood, and value
40 Bushels of coal, and value
41 Bushels of lime, and value
42 Bushels of wheat, and value
43 Bushels of corn, and value
44 Bushels of rye, and value
45 Bushels of oats, and value
46 Bushels of potatoes, and value
47 Bushels of barley, and value
48 Bushels of grass and clover seed, and value
49 Bushels of flax seed, and value
50 Bushels of fruit, and value
51 Tons of hay, and value
52 Tons of hemp, and value
53 Pounds of beef and value
54 Pounds of bacon, and value
55 Pounds of bulk pork, and value
56 Pounds of lard, and value
57 Pounds of wool, and value
58 Pounds of tobacco, and value
59 Pounds of hops, and value
60 Pounds of maple sugar, and value
61 Barrels of beef, and value
62 Barrels of beef, and value
63 Gallons of cider, and valve
64 Gallons of vinegar, and value
65 Gallons of wine, and value
66 Gallons of sorghum or maple molasses and value
67 Feet of lumber, and value
68 Pounds of starch, and value

1355

69 Pounds of feed, and value
70 Reams of paper, and value

No.	Description of property No.	Valuation by party.	Valuation by assessor.
71	Pounds of pulp, and value		
72	Gallons of oil, of all kinds, and value		
73	Number of scales, and value		
74	Number of yards of cloth, and value		
75	Number of yards of flannels, and value		
76	Number of blankets and value		
77	Pounds of yarn, and value		
78	Tons of ice, and value		
79	Number of threshing machines and value		
80	Number of cornshellers, and value		
81	Value of logs, timber and all other property, except credits not specified above, required to be listed		
82	Credits (by which is meant whatever is due to the party from any other person, company or corporation in the shape of labor, property or money, amounting to	$————	
	Less than *bona fide* indebtedness, to be subtracted from the credits only	$————	
1356			
	Leaving a residue of credits amounting to		
	Grand total		$26050.00

Age 69
Number of male dogs — No. of female dogs —
No. of female dogs spayed — Total No. of dogs —.

Interrogator- one. Are you or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent or attorney investing, loaning or otherwise controlling the money and personal property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbrober? If yes, designate for whom you were then, or are now, acting in such rep-

resentative or fiduciary capacity, and if you were, or are now, acting under the authority of any particular court, name the court, and also state to what court you report.

Interrogatory two. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other personal property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into United States notes, not taxable, commonly called "greenbacks" or bonds, or other
1357 securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property, or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid?

Interrogatory three. If you have converted any of your money or property, as required of you, then state when the same was so converted or invested, and the kind and amount of value thereof.

Affidavit.

STATE OF INDIANA, }
Tippecanoe County, } *ss*:

I, James Buck, agent, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and fair list of all personal property held or belonging to me, on the first day of April, 1887, including all personal property appertaining to merchandise whether held in actual possession or only having been purchased with a view to possession or profits, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me, in all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described, and its true condition and value represented. That
1358 I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part of bonds, notes or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on the capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not, directly or indirectly, converted or exchanged any of my property

temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property, bonds or securities of any kind, and that the answers by me subscribed to the foregoing interrogatories, Nos. 1, 2 and 3, are true; also, that the foregoing statement contains a true, correct and full list of all dogs owned, harbored or kept by me, on the first day of April, 1887, and that I have in no case sought to mislead the assessor as to the number and sex of said dogs.

JAMES BUCK, Agent.

Subscribed and sworn to before me, this 27" day of April, 1887.

J. G. GIFFIN, Assessor,
By J. R. CHALLIS, Deputy.

1359 To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, age and sex, and also the name of the father, mother or guardian and their postoffice address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post-office address.

Form 1.

Assessment List
of
Job M. Nash
for 1887.
Fairfield township.

Personal,	$26050.00
Additional improvements	
Total	26050.00
No. of male dogs,	———
No. of female dogs,	———
No. of female dogs spayed,	———
Total No. of dogs,	———

No. poll———
Filed———1887.
Filed, June 1, 1887.
THOS. J. BARNES,
Auditor.

1360 5 Q. What record is that before you?
A. That is the assessment list for the year 1888, city of Lafayette, Fairfield township.

Defendants read in evidence the assessment list of Job M. Nash, made by James Buck, agent of Nash, subscribed and sworn to by him April 25th, 1888, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All the Personal Property Held by Job M. Nash, Fairfield Township, in Tippecanoe County, on the 1st Day of April, 1888.

No.	Description of property.	Valuation by party.	Valuation by assessor.
1	Moneys on hand or on deposit within or without this State, subject to my order, check or draft	$600.00	
2	All moneys loaned by me, either on time or on call	63500.00	
3	All bonds belonging to me, or in which I have any interest, issued by bodies corporate, either within or without this State		
4	All bonds belonging to me, or in which I have any inter-		

est, issued by public corporations, including State, county, city, town, or other bonds of this class.
5 All shares of stock in any cor-
1361
poration formed outside of this State, and also all shares of stock in any corporation formed in this State and conducting its business outside of this State
6 Value of goods and merchandise on hand
7 Value of articles, purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining
8 Value of manufactured articles on hand
9 Value of manufacturing tools, improvements and machinery, (other than engines and boilers, which shall be listed as such)
10 Value of agricultural tools, implements and machinery
11 Value of gold or silverplate and plated ware
12 Value of diamonds and jewelry
13 Value of household furniture and library
14 Value of mechanical tools, law and medical books, surgical instruments and medicines
15 Value of nursery stock
16 Value of property such person is required to list as a pawnbroker
17 Value of property of companies and
1362
corporations other than property hereinbefore enumerated
18 Value of property of saloons and eating houses
19 Value of market garden products
20 Value of home-made manufactures
21 Value of slaughtered animals
22 Every franchise, description and

	value (this items includes sleighs, bicycles, fire-arms, etc.		
23	Value of brick, stone, and all other building material on hand		
		No.	
24	Number of steamboats, sailing vessels, wharf boats, canal boats, barges, or other water craft, either within or without this State, and value		
25	Number of patent rights, and value		
26	Number of steam engines, including boilers, and value		
27	Number of fire and burglar proof safes, and value	2	150.00
28	Number of billard, pigeon hole, bagatelle, and other similar tables, and value		
29	Number of piano fortes and other musical instruments, and value		
30	Number of sewing or knitting machines and value.		
31	Number of watches and clocks, and value		
32	Number of carriages, wagons, coaches		

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	hacks, carts, drays or other vehicles and value		
33	Number of hoop-poles, and value		
34	Number of horses, and value		
35	Number of mules, jacks and jennets and value		
36	Number of cattle, and value		
37	Number of sheep, and value		
38	Number of hogs, and value		
39	Number of cords of wood, and value		
40	Bushels of coal, and value		
41	Bushels of lime, and value		
42	Bushels of wheat, and value		
43	Bushels of corn and value		
44	Bushels of rye, and value		
45	Bushels of oats, and value		
46	Bushels of potates, and value		
47	Bushels of barley, and value		
48	Bushels of grass and clover seed, and value		
49	Bushels of flaxseed, and value		
50	Bushels of fruit, and value		
51	Tons of hay, and value		

52 Tons of hemp, and value
53 Pounds of beef, and value
54 Pounds of bacon and value
55 Pounds of bulk pork, and value
56 Pounds of lard, and value
57 Pounds of wool, and value
59 Pounds of hops, and value
60 Pounds of maple sugar, and value
61 Barrels of beef, and value

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62 Barrels of pork, and value
63 Gallons of cider, and value
64 Gallons of vinegar, and value
65 Gallons of wine, and value
66 Gallons of sorghum or maple molasses and value

No.	Description of property.	No.	Valuation by party.	Valuation by assessor.
67	Feet of lumber, and value			
68	Pounds of starch, and value			
69	Pounds of feed, and value			
70	Reams of paper, and value			
71	Pounds of pulp, and value			
72	Gallons of oil of all kind, and value			
73	Number of scales, and value			
74	Number of yards of cloth, and value			
75	Number of yards of flannels, and value			
76	Number of blankets, and value			
77	Pounds of yarn, and value			
78	Tons of ice, and value			
79	Number of threshing machines, and value			
80	Number of corn shellers, and value			
81	Value of logs, timber and all other property, except credits not specified above, required to be listed			
82	Credits (by which is meant whatever is due to the party from any other			

1365

person, company or corporation in the shape of labor, property or money) amounting to $

Less any *bona fide* indebtedness,

to be subtracted from the credits only $———
Leaving a residue of credits amounting to
Grand total $64250.00

Age
Number of male dogs —, No. of female dogs —, No. of female dogs spayed — total No. of dogs.

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent or attorney investing, loaning or otherwise controlling the money and personal property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee, or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

1366 Interrogatory 2. Have you, before the first day of April, of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other personal property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds or other securities of the United States, not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid?

Interrogatory 3. If you have converted any of your money or property, as inquired of you, then state when the same was so converted or invested, and the kind and amount or value thereof?

STATE OF INDIANA, } ss:
Tippecanoe County, }

I, James Buck, agent, being duly sworn, say to the best of my knowledge, information and belief, the foregoing statement contains a true, full and fair list of all personal property held or belonging to me, on the first day of April, 1888, including all personal property appertaining to merchandise, whether held in actual possession or only having been purchased with a view to possession or profit

and all personal property appertaining to manufacturing
1367 and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part of bonds, notes or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any library, scientific or charitable institution or society, nor on account of any subscription to, or indebtness payable on the capital stock of any company, whether incorporated or unincorporated: And I further swear that since the first day of April of last year, I have not, directly or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property, bonds, of securities of any kind, and that the answers by me subscribed to the foregoing interrogatories Nos. 1, 2, and 3, are true; also, that the foregoing statement contains a true, correct and full list of all dogs owned, harbored or kept by me, on the first day of April, 1888, and that I have in no case sought to mislead the assessor as to the number and sex of said dogs.

JAMES BUCK, Agent.

Subscribed and sworn to before me, this 25th day of
1368 April, 1888.

J. G. GIFFEN, Assessor,
By I. S. WADE, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their postoffice address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post-office address.

Form No. 1.

Assessment List
of
Nash, Job M.
for 1888.
Fairfield township.

Personal	$64250.00
Additional improvements,	
Total	$64250.00
No. of male dogs,	
No. of female dogs,	
No. of female dogs spayed,	
Total No. of dogs,	

Filed June 1st, 1888.
THOS. J. BARNES,
Auditor.

1369 6 Q. What record have you now before you?
A. The assessment list for the year 1889, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read in evidence the assessment list of Job M. Nash, made by James Buck, agent of Nash, subscribed and sworn to by him April 18, 1889, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All the Property Held by Job M. Nash, of New York, Fairfield Township, in Tippecanoe County, on the 1st Day of April, 1889.

No.	Description of property.	Valuation by party.	Valuation by assessor.
1	Moneys on hand or on deposit within or without this State, subject to my order, check or draft—	4320	
2	All moneys loaned by me, either on time or on call	61600	
3	All bonds belonging to me, or in which I have any interest, issued by bodies corporate either within or without this State		
4	All bonds belonging to me, or in which I have any interest, issued by public corporations, including State, county, city, town, or other bonds of this class.		
5	All shares of stock in any corporation formed outside of this State, and also all		

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shares of stock in any corporation formed in this State and conducting its business outside of this State.

6 Value of goods and merchandise on hand.

7 Value of articles, purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining

8 Value of manufactured articles on hand

9 Value of manufacturing tools, implements and machinery, (other than engines and boilers, which shall be listed as such)

10 Value of agricultural tools, implements and machinery

11 Value of gold or silver plated and plated ware

12 Value of diamonds and jewelry

13 Value of household furniture and library

14 Value of mechanical tools, law and medical books, surgical instruments and medicine

15 Value of nursery stock

16 Value of property such person is required to list as a pawnbroker

17 Value of property of companies and

1371

and corporations other than property hereinbefore enumerated

18 Value of property of saloons and eating houses

19 Value of market garden products

20 Value of home-made manufactures

21 Value of slaughtered animals

22 Every franchise, description and value

23 Value of brick, stone and all other building material on hand

No.

24 Number of steamboats, sailing vessels, wharf boats, canal boats, barges, or

	other water craft, either within or without this State, and value		
25	Number of patent rights and value		
26	Number of steam engines, including boilers, and value		
27	Number of fire and burglar proof safes, and value	2	250
28	Number of billiards, pigeon hole, bagatelle and other similar tables, and value		
29	Number of piano-fortes and other musical instruments, and value		
30	Number of sewing or knitting machines, and value		
31	Number of watches and clocks, and value		
32	Number of carriages, wagons, coaches, hacks, carts, drays, or other vehicles and value		
33	Number of hoop-poles, and value		
1372			
34	Number of horses, and value		
35	Number of mules, jacks and jennets, and value		
36	Number of cattle, and value		
37	Number of sheep, and value		
38	Number of hogs, and value		
39	Number of cords of wood, and value		
40	Bushels of coal, and value		
41	Bushels of lime, and value		
42	Bushels of wheat, and value		
43	Bushels of corn, and value		
44	Bushels of rye, and value		
45	Bushels of oats, and value		
46	Bushels of potatoes, and value		
47	Bushels of barley, and value		
48	Bushels of grass and clover seed, and value		
49	Bushels of flax seed, and value		
50	Bushels of fruit and value		
51	Tons of hay, and value		
52	Tons of hemp and value		
53	Pounds of beef, and value		
54	Pounds of bacon, and value		
55	Pounds of bulk pork, and value		
56	Pounds of lard, and value		
57	Pounds of wool, and value		
58	Pounds of tobacco, and value		
59	Pounds of hops and value		
60	Pounds of maple sugar, and value		

No.	Description of property.	No.	Valuation by party.	Valuation by assessor.
61	Barrels of beef, and value			
62	Barrels of pork, and value			
1373				
63	Gallons of cider, and value			
64	Gallons of vinegar, and value			
65	Gallons of wine, and value			
66	Gallons of sorghum or maple molasses, and value			
67	Feet of lumber, and value			
68	Pounds of starch and value			
69	Pounds of feed and value			
70	Reams of paper, and value			
71	Pounds of pork, and value			
72	Gallons of oil *and* all kinds, and value			
73	Number of scales, and value			
74	Number of yards of cloth, and value,			
75	Number of yards of flannels, and value			
76	Number of blankets, and value			
77	Pounds of yarn, and value			
78	Tons of ice, and value			
79	Number of thrashing machines, and value			
80	Number of corn shellers, and value			
81	Value of logs, timber and all other property, except credits not specified above, required to be listed			
82	Credits (by which is meant whatever is due to the party from any other person, company or corporation in the shape of labor, property or money) amounting to		$	
	Less any *bona fide* indebtedness, to be subtracted			
1374	from the credits only		$	
	Leaving a residue of credits amounting to			
	Grand total		$66170.	

Age

Number of male dogs —, No. of female dogs —.

No. of female dogs spayed —.

Total No. of dogs —.

Interrogatory 1. Are you or were you, on the first day of April of the present year, the executor of the last will or the administratar of the estate of any deceased person, or the guardian of the estate of

any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent or attorney investing, loaning or otherwise controlling the money and personal property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If, yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

Interrogatory 2. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other personal property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds or other securities of the United States, not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or
1375 sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid?

Interrogatogy 3. If you have converted any of your money or property, as inquired of you, then state when the same was so converted or invested, and the kind and amount of value thereof.

STATE OF INDIANA, }
Tippecanoe County, } *ss*:

I, Jas. Buck, att'y, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and fair list of all personal property held or belonging to me, on the first day of April, 1889, including all personal property appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fairly and fully described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part of bonds, notes or obligations of any kind given to any insurance company on account of premiums or policies nor on account of any unpaid subscription to any literary, scientific
1376 or charitable institution or society, nor on account of any subscription to or indebtedness payable on the capital stock

of any company, whether incorporated or unincorporated; and I further swear that since the first day of April last year, I have not, directly or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property, bonds or securities of any kind, and that the answers by me subscribed to the foregoing interrogatories, Nos. 1, 2 and 3, are true; also, that the foregoing statement contains a true, correct and full list of all dogs owned, harbored or kept by me, on the first day of April, 1889, and that I have in no case sought to mislead the assessor as to the number and sex of said dogs.

JOB M. NASH,
By JAMES BUCK, Atty.

Subscribed and sworn to before me, this 18″ day of April, 1889.

J. G. GRIFFIN, Assessor,
By JNO. SMITH, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf & dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their post office address.

Name.	Age.	Sex.	Whether deaf & dumb, blind, idiotic or insane.	Name of father, mother, or guardian.	P. O. address.

Form No. 1.

Assessment List
of
1377 Buck, Jas. (Ag't for Job M.
Nash of New York)
Of New York
for 1889.
Fairfield township.

Personal	66170.00
Additional improvements,	
Total	$66170.00
No. of male dogs	———
No. of female dogs	———
No. of female dogs spayed	———
Total No. of dogs	———

Filed June 1, 1889
THOS. J. BARNES,
Auditor.

7 Q. What record have you now before you?
A. This is the assessment list for 1890, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read- in evidence the assessment list of Job M. Nash, returned by James Buck, agent, subscribed and sworn to by him May 6th, 1890, city of Lafayette, Fairfield township for the year 1890, in the words and figures following, to-wit:

Schedule of All the Personal Property Held by Job. M. Nash, Fairfield Township, in Tippecanoe County, on the 1st day of April, 1890.

No.	Description of property.	Valuation by party.	Valuation by assessor.
1	Moneys on hand or on deposit within or without this State, subject to my order, check or draft	1000	
1378			
2	All moneys loaned by me, either on time or on call		65600
3	All bonds belonging to me, or in which I have any interest, issued by bodies corporate either within or without this State.		
4	All bonds belonging to me, or in which I have any interest, issued by public corporations, including State, county, city, town or other bonds of this class gas bonds, the 25 per cent. only	3750	

5 All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State and conducting its business outside of this State.
6 Value of goods and merchandise on hand
7 Value of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining.
8 Value of manufactured articles on hand
9 Value of manufacturing tools, implements and machinery (other than engines and boilers, which shall be listed as such)
10 Value of agricultural tools, implements and machinery
11 Value of gold or silver plate and plated ware
12 Value of diamonds and jewelry
13 Value of household furniture and library
14 Value of mechanical tools, law and medical books, surgical instruments and medicine
15 Value of nursery stock
16 Value of property such person is required to list as a pawnbroker
17 Value of property of companies and corporations other than property hereinbefore enumerated

1379

18 Value of property of saloons and eating houses
19 Value of market garden products
20 Value of home-made manufactures
21 Value of slaughtered animals
22 Every franchise, description and value
23 Value of brick, stone and all other building material on hand
24 Number of steamboats, sailing vessels, wharf boats, canal boats, barges, or other water craft, whether within or without this State, and value
25 Number of patent rights and value
26 Number of steam engines, including boilers and value
27 Number of fire and burglar proof safes, and value
28 Number of billiard, pigeon hole, bagatelle and other similar tables, and value
29 Number of piano-fortes and other musical instruments and value
30 Number of sewing or knitting machines, and value
31 Number of watches and clocks, and value
32 Number of carriages, wagons, coaches, carts, hacks, *carts*, drays or other vehicles, and value
33 Number of hoop-poles, and value
34 Number of horses and value

35 Number of mules, jacks and jennets, and value
36 Number of cattle and value
37 Number of sheep, and value
38 Number of hogs, and value
39 Number of cords of wood, and value
40 Bushels of coal, and value
41 Bushels of lime, and value
42 Bushels of wheat, and value
43 Bushels of corn, and value

1380

44 Bushels of rye, and value
45 Bushels of oats, and value
46 Bushels of potatoes, and value
47 Bushels of barley, and value
48 Bushels of grass and clover seed and value
49 Bushels of flax seed, and value
50 Bushels of fruit, and value
51 Tons of hay, and value
52 Tons of hemp, and value
53 Pounds of beef, and value
54 Pounds of bacon, and value
55 Pounds of bulk pork, and value
56 Pounds of lard, and value
57 Pounds of wool, and value
58 Pounds of tobacco and value
59 Pounds of hops, and value
60 Pounds of maple sugar, and value

No.	Description of property.	No.	Valuation by party.	Valuation by assessor.

61 Pounds of beef, and value
62 Pounds of pork, and value
63 Gallons of cider and value
64 Gallons of vinegar, and value
65 Gallons of wine, and value
66 Gallons of sorghum or maple molasses, and value
67 Feet of lumber, and value
68 Pounds of starch, and value
69 Pounds of feed, and value
70 Reams of paper, and value
71 Pounds of pulp, and value
72 Gallons of oil of all kinds, and value
73 Number of scales, and value

1381

74 Number of yards of cloth, and value
75 Number of yards of flannels, and value
76 Number of blankets, and value
77 Pounds of yarn, and value

78 Tons of ice, and value
79 Number of threshing machines, and value
80 Number of corn shellers, and value
81 Value of logs, timber and all other property, except credits not specified above, required to be listed.
82 Credits (by which is meant whatever is due to the party from any other person, company or corporation in the shape of labor, property or money amounting to ..... $

Less any *bona fide* indebtedness to be subtracted from the credits only, $

Leaving a residue of credits amounting to
Grand total $70600.00

Age
Number of male dogs), No. of
Female dogs —, No. of female dogs spayed —, total No. of dogs —.

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent or attorney investing, loaning or otherwise controlling the money and personal property of any
1382 other person resedent in this State, or the president or accounting officer of any corporation, or a partner, consignee, or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of and particular court, name court, and also state to what court you report. No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other personal property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into United States notes, not taxable, commonly called "greenbacks" or bonds or other securities of the United States, not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory 3. If you have converted any of your money or property, as required of you, then state when the same was converted or invested, and the kind and amount of value thereof. No.

STATE OF INDIANA, }
Tippecanoe County, } ss:

I, James Buck, agent, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains
a true, full and fair list of all personal property held — or
1383 belonging to me, on the first day of April, 1890, including
all personal property appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fairly and fully described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part of bonds, notes or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any literary, scientific or charitable institution or society, nor on account of any subscription to, or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year, I have not directly or indirectly converted or exchanged any of my property, temporarily for the purpose of evading the assessment thereof for taxes, into non-taxable property, bonds, or securities of any kind, and that the answers by me subscribed to the foregoing interrogatories, Nos. 1, 2 and 3, are true; also, that the foregoing statement contains a true, correct and full list of all dogs owned, harbored or kept by me, on the first day of April, 1890, and that I have in no case sought to mislead the assessor as to the number and sex of said dogs.

JAMES BUCKE, Agent.

Subscribed and sworn to before me, this 6th day of May, 1890.

JAMES G. GIFFEN, Assessor,
1384 By THEO. E. CREAGER, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their postoffice address.

Name.	Age.	Sex.	Whether deaf & dumb, blind, idiotic or insane.	Name of father, mother, or guardian.	P. O.

Form No. 1.

Nash, Job M.

Assessment list
of
Job M. Nash, James Buck, agent.
Cor. Col. & 3rd
for 1890.

Fairfield township.

Personal	$70600.00
Additional improvements	
Total	$70600.00
No. of male dogs,	
No. of female dogs,	
No. of feamle dogs spayed	
Total No. of dogs	

No. poll X.
Filed June 1, 1890
THOS. J. BARNES,
Auditor.

Q. What record have you now before you?
1385 A. Assessment list city of Lafayette, Fairfield township, Tippecanoe county, Indiana, for the year 1891, by James Buck, agent.

Defendant read in evidence the assessment list of Job M. Nash by James Buck, agent, subscribed and sworn to by him May 27, 1891, city of Lafayette, Fairfield township, in the words and figures following, to wit:

Schedule of All the Personal Property Held by —— ——, of —— Township, Tippecanoe County, Ind., on the 1st Day of April, 1891.

No.	Personal proprety credits.	Valuation by party.	Valuation by tp. assessor.	Valuation by Co. assess-r.
1	All annuities			
2	All bonds, nat. gas bonds 1500 dollars	3750		
3	All notes secured by mortgages,	55750		
4	All other notes			
5	All accounts			
6	All demands and claims			
7	All deposits in bank	3000		
8	All deposits with other corporations			
9	All deposits with individuals			
10	All other amounts due me from any person or corporation.....			
	Total credits due me	62500		

From the sum of the above credits; I claim a deduction of the amount of my *bona fide* indebtedness, to-wit:

Total indebtedness which should be deducted from my credits.....

Leaving a b-lance for which I should be assessed

1386 Personal Property Chattels.

1 Moneys on hand, subject to my order, not already entered under the title of "credits"
2 All moneys loaned by me and not already entered on this schedule
3 All interest owing me not entered on this schedule
4 All judgments or allowances in my favor, entered in any court and which I have not already entered on this schedule; also, legacies, bequests, and other estates in expectancy
5 All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State and conducting its business outside of this State
6 Value of goods and merchandise on hand
7 Value of all articles purchased received or otherwise held, for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying, or refining
8 Value of manufactured articles on hand
9 Value of manufacturing tools, implements and machinery, (other than engines and boilers, which shall be listed as such)

10 Value of agricultural tools, implements and machinery
11 Value of gold or silver plate or plated ware
12 Value of diamonds and jewelry
13 Value of household furniture and library
14 Value of mechanical tools, law and medical books, surgical instruments and medicines
15 Value of nursery stock
16 Value of property such person is required to list as a pawn-broker
17 Value of property of companies and corporations other than property hereinbefore enumerated

1387

18 Value of property of saloons and eating houses
19 Value of market garden products
20 Value of home-made manufactures
21 Value of slaughtered animals
22 Every franchise, description and value
23 Value of brick, stone and all other building material on hand

		No	
24	Number of steamboats, sailing vessels, wharf boats, canal boats, barges or other water craft, either within or without this State, and value		
25	Number of patent rights, and value		
26	Number of steam engines, including boilers, and value		
27	Number of fire and burglar proof safes, and value	2	150
28	Number of billiard, pigeon hole, bagatelle, and other similar tables, and value		
29	Number of piano-fortes and other musical instruments, and value		
30	Number of sewing or knitting machines, and value		
31	Number of watches and clocks and value		
32	Number of carriages, wagons, coaches, hacks, carts, drays, or other vehicles, and value		
33	Number of hoop-poles, and value		
34	Number of horses, and value		
35	Number of mules, jacks and jennets, and value		
36	Number of cattle, and value		
37	Number of sheep, and value		
38	Number of hogs, and value		
39	Number of cords of wood, and value		
40	Bushels of coal, and value		
41	Bushels of lime, and value		
42	Bushels of wheat, and value		
43	Bushels of corn, and value		

1388

44 Bushels of oats, and value

46 Bushels of potatoes, and value
47 Bushels of barley, and value
48 Bushels of grass and clover seed and value
49 Bushels of flax seed, and value
50 Bushels of fruit, and value
51 Tons of hay, and value

No.	Personal property. Chattles.	No. valuation by party.	Valuation by township assessor.	Valuation by Co. assessor.
52	Tons of hemp, and value			
53	Pounds of beef, and value			
54	Pounds of bacon, and value			
55	Pounds of bulk pork, and value			
56	Pounds of lard and value			
57	Pounds of wool, and value			
58	Pounds of tobacco, and value			
59	Pounds of hops, and value			
60	Pound of maple sugar, and value			
61	Barrels of beef, and value			
62	Barrels of pork, and value			
63	Gallons of cider, and value			
64	Gallons of vinegar, and value			
65	Gallons of wine, and value			
66	Gallons of sorghum or maple molasses, and value			
67	Feet of lumber, and value			
68	Pounds of starch, and value			
69	Pounds of feed, and value			
70	Reams of paper, and value			
71	Pounds of pulp, and value			
72	Gallons of oils of all kinds and value			
73	Number of scales and value			
74	Number of yards of cloths, and value			

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75	Number of flannels, and value			
76	Number of blankets, and value			
77	Pounds of yarn, and value			
78	Tons of ice, and value			
79	Number of threshing machines, and value			
80	Number of corn shellers, and value			
81	Value of logs, timber and all other property, not specified above, required to be listed			
82	Male dogs owned or harbored by me			
83	Female dogs owned or harbored by me			
	Grand total.....			$62650

Age —
P. O. address —— ——

Interrogatory one. Are you or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker?

If yes, designate for whom you were then, or are now, acting under the authority of any particular court, name the court, and also state to what court you report.

Interrogatory two. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchang-
1390 ing or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds, or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property, or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid.

Interrogatory three. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind the amount and value thereof.

STATE OF INDIANA, }
Tippecanoe County, } *ss:*

I, James Buck for J. M. Nash, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property, appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profits, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classess of property to the assessor, such property has been fully and fairly described, and its true conditions and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions
1391 claimed for credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes, or ob-

ligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on the capital stock of any company whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not, directly or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property, or securities of any kind.

I further swear that I have to the best of my knowledge and judgment valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

JAMES BUCK, Agent.

Subscribed and sworn to before me, this 27th day of May, 1891.

B. BEHRENS, Assessor,
By A. SOLAN, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf & dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their P. O. address:

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother, or guardian.	P. O.

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Buck, Jas., Agent.

Form No. 1.

Assessment List
of
Job M. Nash,
By James Buck, Agent,
for 1891.

—— township.

Personal,	$62650.00
Additional improvemnets	———
Total,	———
No. of male dogs,	x
No. of female dogs,	x
Total No. of dogs	———
	x

No. poll ———
Filed June 1st, 1891.
J. FRANK BYERS, Auditor.

Q. What record have you now before you?
A. Assessment list for the year 1892, Lafayette, Indiana, Fairfield township, Tippecanoe county.

Defendants read in evidence the assessment list of Job M. Nash for the year 1892 by James Buck, attorney, subscribed and sworn to by him May 17, 1892, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All the Personal Property Held by Job. M. Nash, of New York, Fairfied Township, Tippecanoe County, Ind., on the 1st. Day of April, 1892.

No.	Personal property credits.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
1	All annuities			
2	All bonds 13500 gas bonds valueless			

1393

3	All notes secured by mortgage 53450			
4	All other notes			
5	All accounts			
6	All demands and claims			
7	All deposits in bank	4000		
8	All deposits with other corporations			
9	All deposits with individuals			
10	All other amounts due me from any person or corporation			
	Total credits due me ...	57450		

From the sum of above credits I claim a deduction of the amount of my *bona fide* indebtedness which should be deducted from my credits

Leaving a balance for which I should be assessed.

Personal Property-Chattels.

1 Moneys of hand, subject to my order, not already entered under the title of "Credits"
2 All moneys loaned by me and not already entered on this schedule
3 All interest owing me not entered on this schedule
4 All judgments or allowances in my favor, entered in any court and which I have not already entered on this schedule; also, legacies, bequests, and other estates in expectancy
4A All money invested in certificates of purchase at tax sales
4B All money invested in certificates of purchase at sheriff's sale
4C All money loaned to building loan and savings associations
5 All shares of stock in any corporation formed outside of

1394

this State, and also all shares of stock in any corporation formed in this State, and conducting its business outside of this State.
6 Val-e of goods and merchandise on hand
7 Value of articles purchased, received or otherwise held, for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining
8 Value of manufactured articles on hand
9 Value of maunfacturing tools, implements and machinery, (other than engines and boilers, which shall be listed as such)
10 Value of agricultural tools, implements and machinery
11 Value of gold or silver plate and plated ware
12 Value of diamonds and jewelry
13 Value of household furniture and library
14 Value of mechanical tools, law and medical books, surgical instruments and medicines
15 Value of nursery stock
16 Value of property such person is required to list as a pawnbroker
17 Value of property of companies and corporations other than property hereinbefore enumerated
18 Value of property of saloons and eating houses

19 Value of market graden products.
20 Value of home-made manufactures.
21 Value of slaughtered animals
22 Every franchise, description and value
23 Value of brick, stone and all other building material on hand

No.

24 Number of steamboats, sailing vessels, wharf boats, canal boats, barges, or other water craft, either within or

1395

without this State, and value
25 Number of patents, and value
26 Number of steam engines, including boilers, and value
27 Number of fire and burglar proof safes, and value
28 Number of billiard, pigeon hole, bagatelle, and other similar tables, and value
29 Number of piano fortes and other musical instruments, and value
30 Number of sewing or knitting machines, and value
31 Number of watches and clocks, and value
32 Number of carriages, wagons, coaches, hacks, carts, drays or other vehicles, and value
32A Number of bicycles, tricycles and velocipedes, and value
33 Number of hoop-poles, and value
33A Number of staves, and headings, and heading blocks, and value
33B All cooperage material and merchandise, and value
34 Number of horses, and value
35 Number of mules, jacks and jennets, and value
36 Number of cattle, and value
37 Number of sheep, and value
38 Number of hogs, and value
39 Number of cords of wood, and value
40 Bushels of coal, and value
41 Bushels of lime, and value
42 Bushels of wheat, and value
43 Bushels of corn, and value
44 Bushels of rye, and value
45 Bushels of potatoes, and value
47 Bushels of barley, and value
48 Bushels of grass and clover seed, and value

1396

49 Bushels of flax seed, and value
50 Bushels of fruit, and value
51 Tons of hay, and value

No.	Personal property-chattels.	Valuation No. by party.	Valuation by township assessor.	Valuation by Co. assessor.
52	Tons of hemp, and value			
53	Pounds of beef, and value			
54	Pounds of bacon, and value			
55	Pounds of bulk pork, and value			
56	Pounds of lard, and value			
57	Pounds of wool, and value			
58	Pounds of tobacco, and value			
59	Pounds of hops, and value			
60	Pounds of maple sugar, and value			
61	Barrels of beef, and value			
62	Barrels of pork, and value			
63	Gallons of cider, and value			
64	Gallons of vinegar, and value			
65	Gallons of wine, and value			
66	Gallons of sorghum or maple molasses, and value			
67	Feet of lumber, and value			
68	Pounds of starch, and value			
69	Pounds of feed, and value			
70	Reams of paper, and value			
71	Pounds of pulp, and value			
72	Gallons of oils *and* all kinds and value			
73	Number of scales, and value			
74	Number of yards of cloth, and value			
75	Number of yards of flannels, and value			
76	Number of blankets, and value			
77	Pounds of yarn, and value			
78	Tons of ice, and value			
1397				
79	Number of threshing machines, and value			
80	Number of corn shellers, and value			
81	Value of logs, railroad ties, and other timber, and value of all other property, not specified above, required to be listed			
82	Male dogs owned or harbored by me			
63	Female dogs owned or harbored by me			
	Grand *hotel*,		57450.00	

Age at last birthday 73
P. O. address —— ——.

Interrogatory one. Are you or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise

controlling the money or other property of any person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then or are now, acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name the court, and also state to what court you report? No.

Interrogatory two. Have you before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted either by sale, borrowing, exchange or in any other manner, into United States notes, not taxable, commonly called "greenbacks" or bonds, or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property, or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory three. If you have converted any of your money or property, or money or property of any *of any* other person, as inquired of you, then state when the same was so converted or invested, and the kind the amount and value thereof.

STATE OF INDIANA, }
Tippecanoe County, } *ss*:

I, J. M. Nash, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property, appertaining to merchandising whether held in actual possession or only having been purchased with a view to possession or profits and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes, or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscriptions to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on the capital stock of any company, whether incorporated or -incorporated; and that no part of said indebtedness has been paid; and I further swear that since the first day of April last year I have not directly

or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property, or securities of any kind.

I further swear, that I have to the best of my knowledge and judgment valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

J. M. NASH,
By JAMES BUCK, Att'y.

Subscribed and sworn to before me, this 17 day of May, 1892.

B. BEHRENS, Assessor,
By F. STITE, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf & dumb, blind, idiotic or insane with their names, ages and sex, and also the name of the father mother or guardian, and their postoffice address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post office address.

1400

Form No. 1.

Assessment List
of
Job M. Nash for 1892.
Fairfield Township.

Personal, $57450.00
Additional improvements ———
Total $———
No. of male dogs,
No. of female dogs, ———
Total No. of dogs ———
No. poll—
Filed June 1st, 1892
J. FRANK BYERS,
Auditor.

51—179

10 Q. What record have you now?
A. Assessment list for the year 1895, city of Lafayette, Fairfield township, Tippecanoe county.

Defendants read in evidence the assessment list of Job M. Nash by James Buck, agent, for the year 1893, subscribed and sworn to by him May 12, 1893, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All the Personal Property Held by Job M. Nash, by James Buck, Ag't, City — Fairfield Township, Tippecanoe County, Ind., on the 1st Day of April, 1893.

No.	Personal property-credits.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
1	All annuities	None		
2	All bonds, 12000 nat. gas bonds. No value	"		
3	All notes secured by mortgage		53,440	
1401				
4	All other notes	None		
5	All accounts	"		
6	All demands and cl-ims	"		
7	All deposits in bank		7,030	
8	All deposits with other corporations			None
9	All deposits with individuals			"
10	All other amounts due me from any person or corporation			"
	Total credits due me	"		

From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, to-wit:

Total indebtedness which should be deducted from my credits None

Leaving a balance for which I should be assessed None

Personal Property-Chattels.

1	Money on hand or on deposit or subject to my order, check or draft, not already entered under the title of "credits"	"
2	All money loaned by me and	

not already entered on this schedule "
3 All interest owing me and not entered on this schedule "
4 All judgments and allowances in my favor, entered in any court and which I have not already entered on this schedule; also, all legacies

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bequests, and other estates in expectancy None
5 All money invested in certificates of purchase at tax sales "
6 All money invested in certificates of purchase at sheriff's sale None
7 All money loaned to building, loan and savings associations, "
8 All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State, and conducting its business outside of this State
9 Value of good- and merchandise on hand "
10 Valve of articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacuring combining, rectifying or refining None
11 Value of manufactured articles on hand "
12 Value of manufacturing tools, implements and machinery (other than engines and boilers, which shall be listed as such) "
14 Value of gold or silver plate and plated ware "
15 Value of diamonds and jewelry "
16 Value of household furniture and library "
17 Value of mechanical tools, law and medical books "
18 Surgical instruments and medicines "
19 Value of firearms "
20 Value of poultry "
21 Value of nursery stock "
22 Value of property such person is required to list as a pawnbroker "
23 Value of compa*i*nes and corporations other than

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property hereinbefore enumerated None
24 Value of property of saloons and eating houses None
25 Value of market garden products "
26 Value of home-made manufactures "

27	Value of slaughtered animals	"
28	Every franchise, description and value	"
29	Value of brick, stone and all other building material on hand	"
	No.	
30	Number of steamboats, sailing vessels, wharf boats, barges or other water craft, within or without this State, and value	"
31	Number of patent rights, and value	"
32	Number of steam engines including boilers, and value	"
33	Number of fire and burglar proof safes, and value No. 2	150
34	Number of billiard, pigeon hole, bagatelle, and other similar tables, and value	None
35	Number of piano fortes, and value	"
36	Number of organs and other musical instruments, and value	"
37	Number of sewing or knitting machines, and value	"
38	Number of watches and clocks, and value	"
39	Number of carriages, wagons, coaches, hacks, carts, drays or other vehicles, and value	"
40	Number of bicycles, tricyles and velocipedes, and value	"
41	Number of hoop poles, and value No.	"
42	Number of staves and headings, and heading blocks, and value 1404	None
43	All cooperage material and merchandise and value	"
44	Number of horses and value	"
45	Number of mules, jacks and jennets, and value	"
46	Number of cattle, and value	"
47	Number of sheep and value	"
48	Number of hogs, and value	"
49	Number of stands of bees, and value	"
50	Number of cords of wood, and value	"
51	Bushels of coal and value	"
52	Bushels of lime, and value	"
53	Bushels of wheat, and value	"
54	Bushels of corn, and value	"
55	Bushels of rye, and value	"
56	Bushels of oats, and value	"
57	Bushels of potatoes, and value	"
58	Bushels of barley, and value	"
59	Bushels of grass and clover seed, and value	"
60	Bushels of flax seed, and value	"

61	Bushels of fruit, and value	"
62	Tons of hay, and value	"
63	Tons of hemp, and value	"
64	Pounds of beef, and value	"
65	Pounds of bacon, and value	"
66	Pounds of bulk pork, and value	"
67	Pounds of lard, and value	"
68	Pounds of wool, and value	"
69	Pounds of tobacco, and value	"
70	Pounds of hops, and value	"
71	Pounds of maple sugar, and value	"
72	Barrels of beef, and value	"
1405		
73	Barrels of pork, and value	None
74	Gallons of cider, and value	"
75	Gallons of vinegar, and value	"
76	Gallons of wine and whisky, and value	"
77	Gallons of sorghum or maple molasses, and value	"
78	Feet of lumber, and value	"
79	Pounds of starch, and value	"
80	Pounds of feed, and value	"
81	Reams of paper, and value	"
82	Pounds of pulp, and value	"
83	Gallons of oils of all kinds, and value	"
84	Number of scales, and value	"
85	Number of yards of cloth, and value	"
86	Number of yards of flannels, and value	"
87	Number of blankets, and value	"
88	Pounds of yarn, and value	"
89	Tons of ice, and value	"
90	Number of threshing machines, and value	"
91	Number of corn shellers, and value	"
92	Value of logs, timber and all other property not specified above, required to be listed	"
93	Male dogs owned or harbored by me	"
94	Female dogs owned or harbored by me	"
95	Grand total,	$60,620

Age at last birthday 74
P. O. address

Interrogatory one. Are you, or were you, on the first day — the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or
1406 firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting

officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then or are now, acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name the court, and also state to what court you report. No.

Interrogatory two. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or in any other manner into United States, notes, not taxable, commonly called "greenbacks" or bonds, or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property, or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory three. If you have converted any of your money or property, or money or property of any other person, as inquired, of you, then state when the same was so converted or invested, and the kind and amount and value thereof? No.

STATE OF INDIANA, } ss:
Tippecanoe County, }

1407 I, Job M. Nash by James Buck, ag't, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property appertaining to merchandising, whether held in actual possession or only having been purchased with the view to possession or profits, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deduction claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes, or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscriptions to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on the capital stock of any company, whether incorporated or unincorporated; and that no part of said indebtedness has been paid; and I further swear that since the first day of April of last year I have not, directly or indirectly, converted or ex-

changed any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind.

I, further swear, that I have to the best of my knowledge and judgment valued said property at its true cash value, by
1408 which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

JOB M. NASH,
By JAMES BUCK, Ag't.

Subscribed and sworn to before me, this 12th day of May 1893.
R. BEHRNES, Assessor,
By ROB'T McMILLIN, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their post office address.

Name.	Age.	Sex.	Whether deaf, and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post office address.

Assessment List
of
Job M. Nash,
1894.

—— township.

Personal $60.620

Additional improv'mts ——
Total $——
No. of male dogs ——
No. of female dogs ——
No. poll ——
Filed June 1st. 1893.
J. FRANK BYERS,
Auditor.

1409 11 Q. What record have you now before you?
A. This is assessment list for the year 1894, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read in evidence the assessment list of Job M. Nash made by John R. Coffroth, as executors of Job M. Nash, subscribed and sworn to by him May 7th, 1894, city of Lafayette, Fairfield township, for the year 1894, in the words and figures following, to-wit:

Schedule of All the Personal Property Held by John R. Coffroth, one of the Executors, of Fairfield Township, Tippecanoe County, Ind., on the First Day of April, 1894.

No.	Personal property credits.	Valuation by party.	Valuation by township assessor.	Val. by county assessor.
1	All annuities			
2	All bonds $400.00 Lafayette club bonds	200		
3	All notes secured by mortgage	4000		
4	All other notes none of any value.			
5	All accounts " "			
6	All demands in value			
7	All deposits in bank	17367.59		
8	All deposits with other corporations.			
9	All deposits with individuals.			
10	All other amounts due me from any person or corporation			

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Total credits due me 21567.59

From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, to-wit:

Total indebtedness which should be deducted from my credits 00

Leaving a balance for which I should be assessed 21567.59

Personal Property Chattels.

1	Money on hand or on deposit or subject to my order, check or draft, not already entered under the title of (credits)	

2 All money loaned by me and not already entered on this schedule
3 All interest owing me and not already entered on this schedule
4 All judgments and allowances in my favor, entered in any court and which I have not already entered on this schedule; also all legacies, bequests and other estates in expectancy.
5 All money invested in certificates of purchase at tax sales.
6 All money invested in certificates of purchase at sheriff's sale.
7 All moneys loaned to building loan and savings associations.
8 All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State, and conducting

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its business outside of this State
9 Value of goods and merchandise on hand.
10 Value of all articles purchased, received or otherwise held, for the purpose of being used, in whole or in part in any process or operation of manufacturing, combining, rectifying or refining.
11 Value of manufactured articles on hand
12 Value of manufacturing tools, implements and machinery (other than engines and boilers, which shall be listed as such)
13 Value of agricultural tools, implements and machinery.
14 Value of gold or silver plate and plated ware.
15 Value of diamonds and jewelry.
16 Value of household furniture and library
17 Value of mechanical tools, law and medical books.
18 Surgical instruments and medicines.
19 Value of firearms
20 Value of poultry
21 Value of nursery stock
22 Value of property such person is required to list as a pawnbroker.
23 Value of property of companies and corporations other than property hereinbefore enumerated.
24 Value of property of saloons and eating houses

25 Value of market garden products
26 Value of homemade manufactures
27 Value of slaughtered animals

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28 Every franchise, description and value
29 Value of brick, stone and all other building material on hand
30 Number of steamboats, sailing vessels, wharf boats, canal boats, barges or other water craft, either within or without this State, and value — No.
31 Number of patent rights, and value
32 Number of steam engines, including boilers, and value
33 Number of fire and burglar proof safes, and value
34 Number of billiard, pigeon hole, bagatelle, and other similar tables, and value — (Decedent had no personal property on April 1st, 1894 his wheat, corn, oats and hay being sold and converted into money before this time)
35 Number of pianofortes, and value
36 Number of organs and other musical instruments, and value
37 Number of sewing or knitting machines, and value
38 Number of watches and clocks, and value
39 Number of carriages, wagons, coaches, hacks, carts, drays or other vehicles, and value
40 Number of bicycles, tricycles and velocipedes, and value
41 Number of hoop poles, and value
42 Number of staves and headings and heading blocks, and value
43 All cooperage material and merchandise, and value
44 Number of horses, and value

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45 Number of mules, jacks and jennets, and value
46 Number of cattle, and value
47 Number of sheep, and value
48 Number of hogs, and value
49 Number of stands of bees, and value
50 Number of cords of wood, and value

51 Bushels of coal, and value
52 Bushels of lime, and value
53 Bushels of wheat, and value
54 Bushels of corn, and value
55 Bushels of rye, and value
56 Bushels of oats, and value
57 Bushels of potatoes, and value

Personal Property Chattels.

58 Bushels of barley, and value
59 Bushels of grass and clover seed, and value
60 Bushels of flax seed, and value
61 Bushels of fruit, and value
(Same as other page)
62 Tons of hay, and value
63 Tons of hemp, and value
64 Pounds of beef, and value
65 Pounds of bacon, and value
66 Pounds of *bought* pork, and value
67 Pounds of lard, and value
68 Pounds of wool, and value
69 Pounds of tobacco, and value
70 Pounds of hops, and value
Pounds of maple sugar, and value
72 Barrels of beef, and value
73 Barrels of pork, and value
74 Gallons of cider, and value

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75 Gallons of vinegar, and value
76 Gallons of wine and whisky, and value
77 Gallons of sorghum or maple molasses, and value
78 Feet of lumber, and value
79 Pounds of starch, and value
80 Pounds of feed, and value
81 Reams of paper, and value
82 Pounds of pulp, and value
83 Gallons of oils of all kinds, and value
84 Number of scales, and value
85 Number of yards of cloth, and value
86 Number of yards of flannels, and value
87 Number of blankets, and value
88 Pounds of yarn, and value
89 Tons of ice, and value
90 Number of threshing machines, and value
(Same as on other page)
91 Number of corn shellers, and value
92 Number of logs, timber and all other property not specified above, required to be listed

93 Male dogs owned or harbored by me
94 Female dogs owned or harbored by me
95 Have you made any additional improvements on your real estate since April 1st, 1893?
Grand total 21567.59

Age at last birthday —
P. O. address said decedent died July 19, 1893.

Interrogatory one. Are you or were you, on the first day of April of the present year the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee
1415 of the property of any person or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise control-ing the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now, acting in such representative or fiduciary capacity, and if you were or are now acting under the authority of any particular court, name the court, and also state to what court you report. Wm. A. Goodman of Cincinnati Ohio, and myself are the sole executors of Job M. Nash dec'd whose will was probated and we were duly appointed executors of the will of said decedent by the probate court of Hamilton county in the State of Ohio, and I said John R. Coffroth have filed this assessment of his in my possession in State of Indiana, and which were held by me on the 1st. day of April last.

Interrogatory two. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into United States notes, not taxable, commonly called "greenbacks" or bonds, or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such
1416 property after you have made out you tax statement, for the purpose of evading the payment of taxes on such property, or did you, on the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory three. If you have converted any of your money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof. No.

1417 STATE OF INDIANA, } ss:
Tippecanoe County, }

I, John R. Coffroth, being duly sworn, say to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, or harbored by me, on the first day of April, including all personal property, appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profits, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to quantity or quality or value of property, and that the deduction claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on the capital stock of any company, whether incorporated or unincorporated; and that no part of said indebtedness has been paid; and I further swear that since the first day of April of last — not, directly or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-
1418 taxable property, or securities of any kind.

I further swear, that I have to the best of my knowledge and judgment valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

J. R. COFFROTH,
Exe. of Nash.

Subscribed and sworn to before me this 7th day of May, 1894.

R. BEHRENS, Assessor,
By C. BLOOM, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind idiotic or insane, with the names, ages and sex, and also the name of the father, mother or guardian, and their post office address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post-office address.

1419 Form No. 1.

Assessment List
of
John R. Coffroth as Executor
of Job M. Nash, Dec'd,
for 1894.

Fairfield Township.

Personal	$21567.59
Additional improv'm-ts	———
Total	$———
No. of male dogs,	———
No. of female dogs,	———
Total No. of dogs,	———
No. poll	———

Filed June 1st, 1894.

J. FRANK BYERS,
Auditor.

12 Q. What record have you now before you?
A. Assessment list for the year 1894, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read in evidence the assessment list of Job M. Nash made by James Buck and William A. Goodman, trustees, of Nash, for the year 1894, subscribed and sworn to by them April 24th, 1894, city of Lafayette, Fairfield township, in the words and figures following, to wit:

1420 Schedule of All the Personal Property Held by James Buck and William A. Goodman, Trustees, Fairfield Township, Tippecanoe County, Indiana, on the 1st Day of April, 1894.

No.	Personal property—credits.	Valuation by party.	Valuation township assessor.	Valuation by county assessor.
1	All annuities	None		
2	All bonds	None		
3	All notes secured by mortgage	$91,250		
4	All other notes	None		
5	All accounts	None		
6	All demands and claims	None		
7	All deposits in bank	524		
8	All deposits with other corporations	None		
9	All deposits with individuals	None		
10	All other amounts due me from any person or corporation	None		
	Total credits due me	None		
	From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, to-wit:	None		
	Leaving a balance for which I should be assessed	None		

1421 Personal Property Chattels.

1	Money on hand or on deposit or subject to my order, check or draft, not already entered under the title of "credits"	None
2	All money loaned by me and not already entered on this schedule	None.
3	All interest owing me and not entered on this schedule	None
4	All judgments and allowances in my favor, entered in any court and which I have not already entered on this schedule; also, all legacies, bequests, and other estates in expectancy	None
5	All money invested in certificates of purchase at tax sales	None

6	All money invested in certificates of purchase at sheriff's sale	None
7	All money loaned to building loan and savings associations	None
8	All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State, and conducting its business outside of this State	None
9	Value of goods and merchandise on hand	None
10	Value of all articles purchased, received or otherwise held, for	
1422		
	the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining rectifying or refining	None
11	Value of manufactured articles on hand	None
12	Value of manufacturing tools, implements and machinery, (other than engines and boilers, which shall be listed as such)	None
13	Value of agricultural tools, implements and machinery	None
14	Value of gold or silver plate and plated ware	None
15	Value of diamonds and jew-lry	None
16	Value of household furniture and library	None
17	Value of mechanical tools, law and medical books	None
18	Surgical instruments and medicines	None
19	Value of fire arms	None
20	Value of poultry	None
21	Value of nursery stock	None
22	Value of property such person is required to list as a pawnbroker	None
23	Value of property of companies and corporations other than property hereinbefore enumerated	None
24	Value of saloons and eating houses	None
25	Value of market garden products	None
26	Value of home-made manufactures	None
27	Value of slaughtered animals	None

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28	Every franchise, description and value		None
29	Value of brick, stone and all other building material on hand	No.	None
30	Number of steamboats, sailing vessels, wharf boats, barges or other water craft, either within or without this State, and value		None
31	Number of patent rights, and value		None
32	Number of steam engines, including boilers, and value		None
33	Number of fire and burglar proof safes, and value	2	100
34	Number of billiard, pigeon hole, bagatelle, and other similar tables, and value		None
35	Number of piano fortes, and value		None
36	Number of organs and other musical instruments, and value		None
37	Number of sewing or knitting machines, and value		None
38	Number of watches and clocks, and value		None
39	Number of carriages, wagons, coaches, hacks, carts, drays or other vehicles, and value		None
40	Number of bicycles, tricycles and velocipedes and value		None
41	Number of hoop poles and value		None
42	Number of staves, and headings,		

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	heading blocks and value		None
43	All cooperage material and merchandise, and value		None
44	Number of horses, and value		None
45	Number of mules, jacks and jennets, and value		None
45	Number of cattle, and value		None
47	Number of sheep, and value		None
48	Number of hogs, and value		None
49	Number of stands of bees, and value		None
50	Number of cords of wood, and value		None

51	Bushels of coal, and value	None
52	Bushels of lime, and value	None
53	Bushels of wheat, and value	None
54	Bushels of corn, and value	None
55	Bushels of rye, and value	None
56	Bushels of oats, and value	None
57	Bushels of potatoes, and value	None

Personal Property Chattels.

58	Bushels of barley, and value	None
59	Bushels of grass and clover seed, and value	None
60	Bushels of flax seed, and value	None
61	Bushels of fruit, and value	None
62	Tons of hay, and value	None
63	Tons of hemp, and value	None
64	Pounds of beef, and value	None
65	Pounds of bacon, and value	None
66	Pounds of bulk pork, and value	None

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67	Pounds of lard, and value	None
68	Pounds of wool, and value	None
69	Pounds of tobacco, and value	None
70	Pounds of hops, and value	None
71	Pounds of maple sugar, and value	None
72	Barrels of beef, and value	None
73	Barrels of pork, and value	None
74	Gallons of cider, and value	None
75	Gallons of vinegar, and value	None
76	Gallons of wine and whiskey and value,	None
77	Gallons of sorghum or maple molasses, and value	None
78	Feet of lumber, and value	None
79	Pounds of starch, and value	None
80	Pounds of feed, and value	None
81	Reams of paper, and value	None
82	Pounds of pulp, and value	None
83	Gallons of oils of all kinds, and value	None
84	Number of scales, and value	None
85	Number of yards of cloth, and value	None
86	Number of yards of flannels, and value	None
87	Pounds of yarn, and value	None
89	Tons of ice, and value	None

90	Number of threshing machines, and value	None
91	Number of corn shellers, and value	None
92	Value of logs, timber and all other property not specified above, required to be listed	None

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93	Male dogs owned or harbored by me	None
94	Female dogs owned or harbored by me	None
95	Have you made any additional improvements on your real estate since April 1st, 1893?	None
	Grand total	$91,874

Age last birthday
P. O. address 303 South St.

Interrogatory one. Are you or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now, acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name the court, and also state to what court you report. No.

1427 Interrogatory two. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into United States notes, not taxable commonly called "greenbacks" or bonds, or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property, or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory three. If you have converted any of your money or property, or money or property of any other person, as required of you, then state when the same was so converted or invested, and the kind and amount and value thereof. No.

STATE OF INDIANA, } ss:
Tippecanoe County, }

I, James Buck, trustee, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs kept, owned or harbored by me, on the first
1428 day of April, including all personal property, appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profits, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In case where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes, or other obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on the capital stock of any company, whether incorporated or unincorporated; and that no part of said indebtedness has been paid; and I further swear that since the first day of April of last year I have not, directly or indirectly converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property, or securities of any kind.

I further swear that I have to the best of my knowledge and judgment valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

1429 JAMES BUCK, Trustee.

Subscribed and sworn to before me, this 24th day of April, 1894.

R. BEHRENS, Assessor,
By C. BLOOM, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their post office address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post-office address.

Form No. *L.*

Assessment List
of
James Buck and
W. A. Goodman, Trustees,
303 S. St.,
for 1894.

Lafayette Township.

Personals,	$91,875.00
Additional improv'mts	———
Total	$———
No. of male dogs,	———
No. of female dogs,	———
Total No. of dogs	———
No. poll	

Filed June 1st, 1894.

1430 J. FRANK BYERS,
Auditor.

13 Q. What record have you now before you?
A. Assessment list for the year 1895, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read in evidence the assessment list of Job M. Nash made by James Buck and William A. Goodman, trustees, of Nash for the year 1895, subscribed and sworn to by them April 19th, 1895, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All the Personal Property Held by James Buck and W. A. Goodman, Trustees, Fairfield Township, Tippecanoe County, Indiana, on the First Day of April, 1895.

No.	Personal property credits.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
1	All annuities		None	
2	All bonds		"	
3	All notes secured by mortgage		$126,150.00	
4	All other notes		None	
5	All accounts		"	
6	All other accounts due me from any person, firm or corporation, except for money deposited with banks, corporations, firms or individuals		None	
	Total credits due me		None	
	From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, as follows:		None	
1431				
	Value of notes owing me		None	
	Value of all accounts owing by me		None	
	Total *bona fide* indebtedness should be deducted from my credits		None	
	Leaving balance for which I should be assessed		None	
	Personal Property Chattels.			
1	Money on hand or on deposit, or subject to my order, check or draft, including circulating notes of national banking associations, and United States legal tender notes and certificates of the United States payable on demand and circulating or intended to circulate as currency, and gold, silver or other coin		$3850.00	
2	All money loaned by me and not already entered on this schedule		None	
3	All interest owing me and not entered on this schedule		None	
4	All judgments and allowances in			

	my favor, entered in any court, and which I have not already entered on this schedule; also, all legacies, bequests and other estates in expectancy	None
5	All moneys invested in certificates of purchase at tax sales	None
6	All moneys invested in certificates of purchase at sheriff's sales	None
7	All money loaned to building, loan and savings associations	None
1432		
8	All shares of stock in any corporation formed outside of this State; and also, all shares of stock in any corporation formed in this State and conducting its business outside of this State	None
9	Value of goods and merchandise on hand	None
10	Value of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacting, combining, rectifying or refining	"
11	Value of manufactured articles on hand	None
12	Value of manufacturing tools, implements and machinery (other than engines and boilers, which shall be listed as such)	"
13	Value of agricultural tools, implements and machinery	"
14	Value of gold and silver and plated ware	"
15	Value of diamonds and jewelry	"
16	Value of household furniture and library	"
17	Value of mechanical tools, law and medical books, surgical instruments and medicines	"
18	Value of fire arms	"
19	Value of poultry	"
20	Value of nursery stock	"
1433		
21	Value of property such person is required to list as pawnbroker	None

22	Value of property of companies or corporations other than property hereinbefore enumerated		"
23	Value of property of saloons and eating houses		"
24	Value of market garden products		"
25	Value of home-made manufactures		"
26	Value of slaughtered animals		"
27	Every franchise and description and value		"
28	Value of brick, stone and all other building material on hand	No.	
29	Number of steamboats, sailing vessels, wharf-boats, canal-boats, barges or other craft, whether within or without this State, and value		"
30	Number of patent rights, and value		"
31	Number of steam engines, including boilers, and value		"
32	Number of fire and burglar proof safes, and value	2	$100.00
33	Number of billiard, pigeon-hole, bagatelle, and other similar tables, and value		None
34	Number of pianofortes, and value		"
35	Number of organs and other musical instruments, and value		"
36	Number of sewing or knitting machines, and value		"
37	Number of watches and clocks, and value		"
1434			
38	Number of carriages, wagons, coaches, hacks, carts, drays or other vehicles and value		None
39	Number of bicycles, tricycles, velocipedes, and value		"
40	Number of hoop-poles, and value		"
41	Number of staves and headings and heading blocks, and value		"
42	All cooperage material and merchandise, and value		"
43	Number of horses, and value		"
44	Number of mules, jacks and jennets, and value		"
45	Number of cattle, and value		"
46	Number of sheep, and value		"
47	Number of hogs, and value		"
48	Number of stands of bees, and value		"

49	Number of cords of wood, and value	"
50	Bushels of coal, and value	"
51	Bushels of lime, and value	"
52	Bushels of wheat, and value	"
53	Bushels of corn, and value	"
54	Bushels of rye, and value	"
55	Bushels of oats, and value	None
		Description of property.
56	Bushels of potatoes, and value	"
57	Bushels of barley, and value	"
58	Bushels of grass and clover seed, and value	"
59	Bushels of flaxseed, and value	"
60	Bushels of fruit, and value	"
61	Tons of hay, and value	"
1435		
62	Tons of hemp, and value	None
63	Pounds of beef, and value	"
64	Pounds of bacon, and value	"
65	Pounds of bulk pork and value	"
66	Pounds of lard, and value	"
67	Pounds of wool, and value	"
68	Pounds of tobacco and value	"
69	Pounds of hops and value	"
70	Pounds of maple sugar and value	"
71	Barrels of beef and value	"
72	Barrels of pork and value	"
73	Gallons of cider and value	"
74	Gallons of vinegar and value	"
75	Gallons of wine and whisky and value	"
76	Gallons of sorghum or maple molasses and value	"
77	Feet of timber and value	"
78	Pounds of starch and value	"
79	Pounds of feed and value	"
80	Reams of paper and value	"
81	Pounds of pulp and value	"
82	Gallons of oil of all kinds and value	"
83	Number of scales and value	"
84	Number of yards of cloth and value	"
84	*Number of yards of cloth, and value*	None
85	Number of yards of flannel and value	"
86	Number of blankets and value	"
87	Pounds of yarn and value	"
88	Tons of ice and value	"
89	Number of threshing machines and value	"

1436

90	Number of corn shellers and value	None
91	Value of logs, timber and all other property not specified above, required to be listed	"
92	Male dogs owned or harbored by me	"
93	Female dogs owned or harbored by me	"
	Grand total	$130,100.00

Age April 1, 1895 —

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident, in this State, or the president or accounting officer of any corporation, or partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now, acting in such representative or fiduciary capacity and if you were, or are now, acting under the authority of any particular court, name court, and also state to what court you report. No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into bonds or other securities of the
1437 United States, not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purposes of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory 3. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof. None.

STATE OF INDIANA, }
Tippecanoe County, } ss:

I, James Buck trustee being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property, appertaining to merchandis-

ing, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described and its true con-
1438 dition and value represented. That I have in no case sought to mislead the assessor, as to either quantity or quality for value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received and do not consist in any part in bonds, notes or obligations of any kind given to any insurance company on account of premium or policies, nor on account of any unpaid subscription to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not, directly or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind.

I further swear that I have, to the best of my knowledge and judgment, valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

JAMES BUCK, Trustee.

Subscribed and sworn to before me, this 19th day of April 1895.

R. BEHRENS, Assessor,
By CHAS. BLOOM, Deputy.

1439 To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, idiotic or insane, with the names, ages and sex, and also the name of the father, mother or guardian, and their post office address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic, or insane.	Name of father, mother, or guardian.	Post office address.

Form No. 1.

Assessment List
of
James Buck and
W. A. Goodman Trustees Nash Dec'd.
For 1895.

Fairfield Township

Personal	$130,100.00
Additional improvements	————
Total	$————
No. of male dogs	————
No. of female dogs	————
No. poll	

Filed June 1st, 1895.

GEO. A. JAMISON,
Auditor.

14 —. What record have you now before you?
A. Assessment list for the year 1896, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

1440 Defendants read in evidence the assessment list of Job M. Nash made by James Buck and W. A. Goodman trustees, of Nash, for the year 1896, subscribed and sworn to by them May 30th, 1896, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of the Personal Property by — Township, Tippecanoe County, Indiana, on the First Day of April, 1896.

No.	Personal property-credits.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
1	All annuities		None	
2	All bonds		"	
3	All notes secured by mortgage		$126,950.00	
4	All other notes		None	
5	All accounts		"	
6	All other accounts due me from any person, firm or corporation, except for money deposited with banks, corporations, firms or individual		"	
	Total credits due me		"	

	From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, as follows	"
	Value of all notes owing by me	"
	Value of all accounts owing by me	"
	Total *bona fide* indebtedness which should be deducted from my credits	
	Leaving balance for which I should be assessed,	

Personal Property-chattels.

1	Money on hand or on deposit or subject	
1441		
	to my order, check or draft, including circulating notes of national banking associations, and United States legal tender notes, and other notes and certificates of the United States payable on demand and circulate as currency, and gold, silver or other coin	$50.00
2	All money loaned by me and not already entered on this schedule	None
3	All interest owing me and not entered on this schedule	"
4	All judgments and allowances in my favor, entered in any court, and which I have not already entered on this schedule also, all legacies, bequests, and other estates in expectancy	"
5	All moneys invested in certificates of purchase at tax sales	"
6	All moneys invested in certificates of purchase at sheriffs' sales	"
7	All money loaned to building and loan savings associations	"
8	All shares of stock in any corporation formed outside of this State; and, also, all shares of stock in any corporation formed in this State and conducting its business outside of this State	"
9	Value of goods and merchandise on hand	"
10	Value of all articles purchased, received or otherwise held for the	
1442		
	purpose of being used, in whole or in part, in any process or	

	operation of manufacturing, combining, rectifying or refining	None
11	Value of manufactured articles on hand	"
12	Value of manufactured tools, implements and machinery (other than engines and boilers, which shall be listed as such)	"
13	Value of agricultural tools, implements and machinery	"
14	Value of gold and silver plate and plated ware	"
15	Value of diamonds and jewelry	"
16	Value of household furniture and library	"
17	Value of mechanical tools, law and medical books, surgical instruments and medicines	"
18	Value of fire arms	"
19	Value of poultry	"
20	Value of nursery stock	"
21	Value of property such person is required to list as pawnbroker	"
22	Value of property of companies or corporations other than property hereinbefore enumerated	"
23	Value of property of saloons and eating houses	"
24	Value of market garden products	"
25	Value of home-made manufactures	"
1443		
26	Value of slaughtered animals	None
27	Every franchise and description and value	"
28	Value of brick, stone and all other building material on hand No.	"
29	Number of steam-boats, sailing vessels, wharfboats, canal-boats, barges or other water craft, either within or without this State, and value	"
30	Number of patent rights and value	"
31	Number of steam engines, including boilers, and value	"
32	Number of fire and burglar-proof safes, and value 2	$100.00
33	Number of billiard, pigeon hole, bagatelle, and other similar tables, and value	None

34	Number of pianofortes, and value No.	"
35	Number of organs and other musical instruments, and value	"
36	Number of sewing or knitting machines, and value	"
37	Number of watches and clocks, and value	
38	Number of carriages, wagons, coaches, hacks, carts, drays, or other vehicles, and value	"
40	Number of hoop-poles, and value	"
41	Number of staves and heading- and heading blocks, and value	"
42	All cooperage material and merchandise, and value	"

1444

43	Number of horses, and value	None
44	Number of mules, jacks and jennets, and value	"
45	Number of cattle, and value	"
46	Number of sheep, and value	"
47	Number of hogs, and value	"
48	Number of stands of bees, and value	"
49	Number of cords of wood, and value	"
50	Bushels of coal, and value	"
51	Bushels of lime, and value	"
52	Bushels of wheat, and value	"
53	Bushels of corn, and value	"
54	Bushels of rye, and value	"
55	Bushels of oats, and value	"

Description of property.

56	Bushels of potatoes, and value	
57	Bushels of barley, and value	"
58	Bushels of grass and clover seed, and value	"
59	Bushels of flax seed, and value	"
60	Bushels of fruit, and value No.	"
61	Tons of hay, and value	"
62	Tons of hemp, and value	
63	Pounds of beef, and value	"
64	Pounds of bacon, and value	"
65	Pounds of bulk pork, and value	"
66	Pounds of lard, and value	"
67	Pounds of wool, and value	"
68	Pounds of tobacco, and value	"
69	Pounds of hops, and value	"
70	Pounds of maple sugar, and value	"
71	Barrels of beef, and value	"

1445

72	Barrels of pork, and value	None
73	Gallons of cider, and value	"
74	Gallons of vinegar, and value	"
75	Gallons of wine and whisky, and value	"
76	Gallons of sorghum or maple molasses, and value	"
77	Feet of lumber, and value	"
78	Pounds of starch, and value	"
79	Pounds of feed, and value	"
80	Reams of paper and value	"
81	Pounds of pulp, and value	"
82	Gallons of oils of all kinds, and value	"
83	Number of scales, and value	"
84	Number of yards of cloth, and value	"
85	Number of yards of flannel, and value	"
86	Number of blankets, and value	"
87	Pounds of yarn, and value	"
88	Tons of ice, and value	"
89	Number of threshing machines, and value	"
90	Number of corn shellers, and value	"
91	Value of logs, timber and all other property not specified above, required to be listed	"
92	Male dogs owned or harbored by me	"
93	Female dogs owned or harbored by me	"
	Grand total.....	$27,100.00

Age April 1, 1896

1446 Interrogatory 1. *Have* you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or now acting in such representative or fiduciary capacity, and if you were, or are now, acting under the authority of any particular court, name the court, and also state to what court you report.

Yes. One of the trustees of the Nash trust. Report to the probate court of Hamilton county, Ohio.

Interrogatory 2. Have you, before the first day of April of the

present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement for the purpose of evading the payment of taxes on such property; or did you, on
1447 or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory 3. If you have converted any of your money or property, or the money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof. No.

STATE OF INDIANA, }
Tippecanoe County, } *ss*:

I, James Buck trustee, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property, appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described and its true condition and value represented. That I have in no case sought to mislead the assessor, as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received and do not consist in any part in bonds, notes
1448 or obligations of any kind given to any insurance company on account of premium or policies, nor on account of any unpaid subscriptions to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not, directly or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind.

I further swear that I have, to the best of my knowledge and judgment, valued said property at its true cash value, by which I mean the usual selling price which could be obtained for said property at private sale, and not at forced or auction sale.

JAMES BUCK, Trustee.

Subscribed and sworn to before me, this 30th day of May, 1896.

GEORGE M. FORESMAN, Assessor,
By —— ——, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their post office address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post office address.

1449 Form No. 1.

Assessment List
of
James Buck and
W. A. Goodman, Trustees
for 1896.

Fairfield Township.

Personals	$127,100
Additional improv'm-ts	———
Total	$———
No. of male dogs	———
No. of female dogs	———
Total No. of dogs	———
No. poll	

Filed June 1st. 1896.
GEO. A. JAMISON, Auditor.

15 Q. What record have you now?

A. Assessment list for 1897, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read in evidence the assessment list of Job M. Nash, made by James Buck and W. A. Goodman trustees, of Nash, for the

year 1897, subscribed and sworn to by them May 24th, 1897, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All Personal Property Held by James Buck and W. A. Goodman, Trustees, Fairfield Township, Tippecanoe County, Ind., on the 1st Day of April, 1897.

1450

No.	Personal property-credits.	Valuation by party.	Valuation by assessor township.	Valuation by assessor county.
1	All annuities		None	
2	All bonds		"	
3	All notes secured by mortgage		$113,656.00	
4	All other notes			
5	All accounts			
6	Number of shares of running or partly paid stock in building, loan and savings associations and their value			
7	Number of paid-up life insurance policies, and value			
8	Number of non-forfeitable and partly paid-up life insurance policies and their value			
9	All other amounts due me from any other person, firm or corporation, except for money deposited with banks, trust companies, corporations, firms or individuals			
	Total credits due me			
	From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, as follows:			
	Value of all notes owing me			
	Value of all accounts owing by me			
	Total *bona fide* indebtedness, which should be deducted from my credits.			
	Leaving balance for which I should be assessed			

1451 Personal Property-credits.

1	Money on hand or on deposit with banks, trust companies, corporations, firms or individuals, or subject to my order or draft, including circulating notes of national banking associations and United States legal			

tender notes and other notes and certificates of the United States, payable on demand and circulating or intended to circulat*ing*, as currency, and gold, silver or other coin

2 All money loaned by me and not already entered on this schedule

3 All interest owing me and not entered on this schedule

4 All judgments and allowances in my favor, entered in any court and which I have not already entered on this schedule; also all legacies, bequests, and other estates in expectancy

5 All money invested in certificates of purchase at tax sales

6 All money invested in certificates of purchase at sheriff's sale

7 All money loaned to building, loan and savings associations

8 Number of shares of paid-up stock in any building, loan or savings association, and value — No.

9 Number of shares of prepaid stock in any building, loan or savings association and value

10 All orders issued by any building

1452

loan or savings association held by me

11 All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State

12 Value of goods and merchandise on hand

13 Value of all articles purchased, received, or otherwise held, for the purpose of being used in whole or in part, in any process or operation of manufacturing, combining, rectifying, or refining.

14 Value of manufactured articles on hand

15 Value of manufacturing tools, implements and machinery, (other than engines and boilers, which shall be listed as such)

16 Value of agricultural tools, implements and machinery

1453

17 Value of gold or silver plate and plated ware
18 Value of diamonds and jewelry
19 Value of household furniture and library
20 Value of mechanical tools, law and medical books, surgical instruments and medicines
21 Value of fire arms
22 Value of poultry
23 Value of nursery stock
24 Value of property such person is required to be list- as a pawnbroker
25 Value of property of companies and corporations other than property herein before enumerated
26 Value of property of saloons and eating houses
27 Value of market garden products
28 Value of home-made manufactures
29 Value of slaughtered animals
30 Every franchise, description and value 31
31 Value of brick, stone and all other building material on hand
32 Number of steamboats, sailing vessels, wharf boats, canal boats, barges or other water craft, either within or without this State, and value
33 Number of patent rights, and value
34 Number of steam engines, including boilers, and value
35 Number of fire and burglar proof safes and value
36 Number of billiard, pigeon hole, bagatelle, and other similar tables and value
37 Number of pianofortes, and value
38 Number of organs and other musical instruments, and value
39 Number of sewing or knitting machines, and value
40

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40 Number of watches and clocks, and value
41 Number of carriages, wagons, coaches, hacks, carts, drays, or other vehicles, and value
42 Number of bicycles, tricycles, and velocipedes, and value
43 Number of hoop poles, and value
44 Number of staves and headings, and heading blocks, and
45 value
45 All cooperage material and merchandise, and value
46 Number of horses, and value
47 Number of mules, jacks and jennets, and v-lue
48 Number of cattle and value

49 Number of hogs, and value
50 Number of sheep and value
51 Number of stands of bees and value
52 Number of cords of wood and value
53 Bushels of coal and value
54 Bushels of lime and value

Description of Property.

55 Bushels of wheat and value
56 Bushels of corn and value
57 Bushels of rye and value
58 Bushels of oats and value
59 Bushels of potatoes and value
60 Bushels of barley and value
61 Bushels of grass and clover seed and value
62 Bushels of flax seed and value
63 Bushels of fruit and value
64 Tons of hay, and value
65 Tons of hemp, and value
66 Pounds of beef, and value
67 Pounds of bacon, and value
68

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68 Pounds of bulk pork, and value
69 Pounds of lard, and value
70 Pounds of wool, and value
71 Pounds of tobacco, and value
72 Pounds of hops, and value
73 Pounds of maple sugar, and value
74 Barrels of beef and value
75 Barrels of pork, and value
76 Gallons of cider, and value
77 Gallons of vinegar and value
78 Gallons of wine and whiskey, and value
80 Feet of lumber, and value
81 Pounds of starch, and value
82 Pounds of feed, and value
83 Reams of paper, and value
84 Pounds of pulp, and value
85 Gallons of oils of all kinds, and value
86 Number of scales, and value
87 Number of yards of cloth, and value
88 Number of yards of flannels, and value
89 Number of blankets, and value
90 Pounds of yarn, and value
91 Tons of ice, and value
92 Number of thrashing machines, and value
93 Number of corn shellers, and value

94 Value of logs, timber and all other property not specified above, required to be listed
95 Male dogs owned or harbored by me
96 Female dogs owned or harbored by me
Grand total $113,755.00
Age April 1, 1897 — no poll

1456 Interrogatory one. Are you or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker. If yes, desi-nate for whom you were then or are now, acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name the court and also state to what court you report? No.

Interrogatory two. Have you, before the first day of April of the present year, either personally or through the agency of others caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into bonds or other securities of the United States not taxable, or any other property after you made out your tax statement, for the purpose of evading the payment of taxes on such property, or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

1457 Interrogatory three. If you have converted any of your money or property, or money or property of any other person, as required of you. then state when the same was so converted or invested, and the kind and amount and value thereof? No.

STATE OF INDIANA, } ss:
Tippecanoe County, }

I, James Buck trustee being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned by me or harbored by me, on the first day of April, including all personal property, appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor such property has been fully and fairly described, and its true value

represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from the credits are *bona fide* debts, for a consideration received, and do not consisit in any part in bonds, notes, or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of the present year I have not, directly or indirectly, converted or exchanged any of my property temporarily, for the purpose of
1458 evading the assessment thereof for taxes, into non-taxable property, or securities of any kind.

I further swear, that I have to the best of my knowledge and judgment, valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

P. O. Lafayette, Ind.

JAMES BUCK, Trustee.

Subscribed and sworn to before me, this 24th day of May, 1897.

GEO. M. FORSEMAN, Assessor,
By GEO. E. SMITH, Deputy.

1459 To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their postoffice address:

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guadian.	P. O. address.

Form No. 1.

Assessment List,
Buck, James, Trustee,
P. O. Address, Lafayette, Ind.,
for 1897.

Fairfield Township.

Personal,	$113,755
Additional improvements	
Total	
No. of male dogs	
No. of female dogs	
Total No. of dogs	
No. poll	

Filed June 1st, 1897.
GEO. A. JAMISON,
Auditor.

1460 16 Q. What record have you now before you?
A. Assessment list for the year 1898, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read in evidence the assessment list of Job M. Nash, made by James Buck and W. A. Goodman trustees, of Nash, for the year 1898, subscribed and sworn to by them May 25th, 1898, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All the Personal Property Held by James Buck and W. A. Goodman, Trustees, Fairfield Township, Tippecanoe county, Ind., on the 1st Day of April, 1898.

No.	Personal property-credits.	Valuation by party.	Valuation by township assessor.	Valuation county assessor.
1	All annuities	None		
2	All bonds	"		
3	All notes secured by mortgage	$109,982.93		
4	All other notes	None		
	All accounts	"		
6	Number of shares of paid up stock in any building, loan or savings association, and value			

7 Number of shares of prepaid stock in any building, loan or savings association and value
8 All other amounts due me from any other person firm or corporation, except for money deposited with banks, trust companys, corporation-, firms or individuals
Total credits due me
From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, as follows

1461

Value of all notes owing by me — None
Value of all accounts owing by me — "
Total *bona fide* indebtedness, which should be deducted from my credits
Leaving balance for which I should be assessed — "

Personal Property-chattels.

1. Money on hand or on deposit with banks, trust companies, corporations, firms or individuals, or subject to my order, check or draft including circulating notes of national banking associations and United States legal tender notes and other notes and certificates of the United States, payable on demand and circulation, or intended to circulate as currency, and gold silver or other coins "
2 All money loaned by me and not already entered on this schedule
3 All interest owing me and not entered on this schedule
4 All judgment- and allowances in my favor, entered in any court and which I have not already entered on this schedule; also, all legacies, bequests, and other estates in expectancy
5 All money invested in certificates of purchase at tax sales
6 All money invested in certificates of purchase at sheriff's sale
7 All money loaned to building loan and savings association-
8 All orders issued by any building, loan or savings

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association held by me
9 All shares of stock in any corporation formed outside of this State and also all shares of stock in any corpora-

	tion formed in this State, and conducting its business outside of this State		None
10	Value of goods and merchandise on hand		"
11	Value of all articles purchased, received or otherwise held, for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining		"
12	Value of manufactured articles on hand		"
13	Value of manufacturing tools, implements and machinery, (other than engines and boilers, which shall be listed as such)		"
14	Value of agricultural tools, implements and machinery		"
15	Value of gold or silver plate and plated ware		"
16	Value of diamonds and jewelry		"
17	Value of household furniture and library		"
18	Value of mechanical tools and appliances, including type-writers, cash registers, &c.		None
19	Value of law and medical books, surgical instruments and medicine, office furniture, &c.		"
20	Value of firearms		"
21	Value of poultry		"
22	Value of nursery stock		"
23	Value of property such person is required to list as a pawnbroker		"
24	Value of property of companies and corporations other than property hereinbefore enumerated		"
25	Value of property of saloons and eating houses		
1463			
26	Value of market garden products		None
27	Value of home-made manufactures		"
28	Value of slaughtered animals		"
29	Every franchise, description and value		"
30	Value of brick, stone and all other building material on hand		
		No.	
31	Number of steamboats, sailing vessels, wharf boats, barges or other water craft either within or without this State, and value		None
32	Number of steam engines, including boilers and value		"
33	Number of fire and burglar proof safes, and value	2	100.00
34	Number of billiard, pigeon hole, bagatelle, and other similar tables, and value		None
35	Number of piano fortes, and value		"

36	Number of organs and other musical instruments, and value	"
37	Number of sewing or knitting machines, and value	"
38	Number of watches and clocks, and value	"
39	Number of carriages, wagons, coaches, hacks carts, drays or other vehicles and value	"
40	Number of bicycles, tricycles and velocipedes, and value	"
41	Number of hoop poles, and value	"
42	Number of staves and heading-, and heading blocks, and value	"
43	All cooperage material and merchandise, and value	"

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44	Number of horses, and value	None
	Number of mules, jacks and jennets, and value	"
47	Number of cattle, and value	"
47	Number of sheep, and value	"
48	Number of hogs, and value	"
49	Number of stands of bees, and value	"
50	Number of cords of wood, and value	"
51	Bushels of coal, and value	"
52	Bushels of lime, and value	"
53	Bushels of wheat, and value	"

Description of Property.

54	Bushels of corn, and value	"
55	Bushels of rye, and value	"
56	Bushels of oats, and value	"
57	Bushels of potatoes, and value	"
58	Bushels of barley, and value	"
60	Bushels of flax seed, and value	"
61	Bushels of fruit, and value	"
62	Tons of hay, and value	"
63	Tons of hemp, and value	"
64	Pounds of bacon, and value	"
65	Pounds of beef, and value	"
66	Pounds of bulk pork, and value	"
67	Pounds of lard, and value	"
68	Pounds of wool, and value	"
69	Pounds of tobacco, and value	"
70	Pounds of hops, and value	"
7L	Pounds of maple sugar, and value	"
72	Barrels of beef, and value	"
73	Barrels of pork, and value	"
74	Gallons of cider, and value	"

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75	Gallons of vinegar, and value	None
76	Gallons of wine and whiskey, and value	"
77	Gallons of sorghum or maple molasses, and value	"
78	Feet of timber, and value	"
79	Pounds of starch, and value	"
80	Pounds of feed, and value	"
81	Reams of paper, and value	"
82	Pounds of pulp, and value	"
83	Gallons of oils of all kinds, and value	"
84	Number of scales, and value	"
85	Number of yards of cloth, and value	"
86	Number of yards of flannel, and value	"
87	Number of blankets, and value	"
88	Pounds of yarn, and value	"
89	Tons of ice, and value	"
90	Number of threshing machines, and value	"
91	Number of corn shellers, and value	"
92	Value of logs, and timber	"
93	Value of all other property, not specifically named above	"
94	Male dogs owned or harbored by me	"
95	Spayed female-dogs owned or harbored by me	"
96	Unspayed female dogs owned or harbored by me	"
	Grand total	$110,085.

Age April 1, 1898. No poll.

1466 Interrogatory one. Are you or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or now are, acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name the court, and also state to what court you report. Trustee of Nash estate.

Interrogatory two. Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or

in any other manner, into bonds or other securities, of the United States, not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made our your statement, for the purpose of evading the payment of taxes on such property, or did you, sell back such property after you have made out your tax statement, for the purpose of evading the payment of such property, or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

1467 Interrogatory three. If you have converted any of your money or property, or money of any other person, as required of you, then state when the same was so converted or invested,, and the kind and amount and value thereof.

STATE OF INDIANA, }
Tippecanoe County, } *ss:*

I, James Buck, being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property, appertaining to merchan-ising, whether held in actual possession or only having purchased with a view to possession or profit, and all personal property appertaining to manufacturing and all manufactured articles whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described and its true condition*al* and value represented. That I have in no case sought to mislead the assessor as to either quan-ity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes, or obligations of any kind given to any insurance company on account of premium or policies, nor on account of any unpaid subscription to any literary, scientific or charitable institution or society, nor on account of any subscription to or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not,

1468 directly or indirectly converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property, or securities of any kind.

I further swear, that I have to the best of my knowledge and judgment valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

JAMES BUCK, Trustee.

P. O. 44 Ferry St.

Sworn and subscribed to before me, this 25th day of May, 1898.

GEO. M. FOREMAN, Assessor,
By GEO. E. SMITH, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their post-office address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post-office address.

Form No. 1.

Assessment List
of
Buck, Trustee, James
P. O. Address, 44 Ferry St.
For 1898

Fairfield Township.

1469

Personal	$110,085
Additional improv'm'ts	———
Total	$———
No. of male dogs	———
No. of female dogs,	———
Total No. of dogs,	———
No. poll	

Filed June 1st, 1898.

REO. A. JAMISON,
Auditor.

17 —. What record have you now?

A. Assessment list for the year 1899 city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read in evidence assessment list Job M. Nash, made by Jumes Buck trustee of Nash, for the year 1899, subscribed and sworn to by him May 3rd, 1899, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All Property Held by James Buck, Trustee of Fairfield Township, Tippecanoe County, Indiana, on the First Day of April, 1899.

No.	Personal property-credits.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
1	All annuities		None	
2	All bonds		"	
3	All notes secured by mortgage		$91,990.60	
4	All other notes		None	
5	All accounts		"	
6	Number of shares of stock in building, loan or savings association-, and value No.		"	
1470				
7	All other amounts due me from any person, firm or corporation, except for moneys deposited with banks, corporations, firms or individuals		None	
	Total credits due me		"	
	From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, as follows:			
	(1st.) Value of all notes owing by me (as listed below)			
	Name of payee Date of maturity Amount.			
	(2d.) Value of accounts owing by me			
	Total *bona fide* indebtedness, which should be deducted from my credits			
	Leaving balance for which I should be assessed			
	No. of road district —			
	Personal Property-chattels.			
	Amount brought forward from page 1		$91.990	
1	Money on hand or on deposit with banks, trust companies, corpo-			

rations, firms or individuals, or subject to my order, check or draft, including circulating notes of national banking associations and United States legal ten ler notes and certificates of the United States, payable on demand and cir-

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culating, or intended to circulate, as currency, and gold, silver or other coin — None
2 All money loaned by me and not already entered on this schedule — "
3 All interest owing me and not entered on this schedule — "
4 All judgments and allowances in my favor entered in any court, and which I have not already entered on this schedule; also all legacies, bequests and other estates in expectancy — None
5 All moneys invested in certificates of purchase at tax sales — "
6 All moneys invested in certificates of purchase at sheriff's sales — "
7 All moneys loaned to building, loan and savings associations — "
8 All shares of stock in any corporation formed outside of this State; and also all shares of stock in any corporation formed in this State and conducting its business outside of this State — "
9 Value of goods and merchandise on hand — "
10 Value of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining — "
11 Value of manufactured articles on hand — "
12 Value of manufacturing tools, implements and machinery, (other than engines and boilers which shall be listed as such) — "

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13 Value of agricultural tools, implements and machinery — None
14 Value of gold and siver plate and plated ware — "
15 Value of diamonds and jewelry — "

16 Value of household furniture and library "
17 Value of mechanical tools, law and medical books, surgical instruments and medicines "
18 Value of firearms "
19 Value of poultry "
20 Value of nursery stock "
21 Value of property such person is required to list as pawnbroker "
22 Value of property of companies and corporations other than property hereinbefore enumerated "
23 Value of property of saloons and eating houses "
24 Value of market products "
25 Value of home-made manufactured products "
26 Value of slaughtered animals "
27 Every franchise and description, and value "
28 Value of brick, stone and all other building material on hand "

No.

29 Number of steamboat, sailing vessels, wharf boats, canal boats, barges or other water craft, either within or without this State, and value "

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30 Number of patent rights, and value No
31 Number of steam engines, including boilers, and value "
32 Number of fire and burglar proof safes, and value 2 1
33 Number of typewriting machines, and value No
34 Number of adding machines and value "
35 Number of typesetting machines, and value "
36 Number of cash registers and value "
37 Number of telegraph instruments and value "
38 Number of telephones, and value "
39 Number of billiard, pigeon-hole, bagetelle, and other similar tables, and value "
40 Number of pianofortes, and value "
41 Number of organs and other musical instruments, and value "
42 Number of sewing machines, and knitting

	machines, and value	"
43	Number of watches and clocks, and value	"
44	Number of carriages, wagons, coaches, hacks, carts, drays or other vehicles, and value	"
45	Number of bicycles, tricycles, velocipedes motorcycles, and value	
46	Number of staves and heading and heading blocks, and value	"
47	Number of hoop-poles, and value	"
48	All cooperage material and merchandise, and value	"

1474 Personal Property-chattels—Continued.

	Amount brought forward from page 2	
49	Number of horses, and value	None
50	Number of mules, jacks and jennets, and value	"
51	Number of cattle, and value	"
52	Number of sheep, and value	"
53	Number of hogs, and value	"
54	Number of stands of bees, and value	"
55	Number of cords of wood, and value	"
56	Bushels of coal and value	"
57	Bushels of lime, and value	"
58	Bushels of wheat, and value	"
59	Bushels of corn, and value	"
60	Bushels of rye, and value	"
61	Bushels of oats, and value	"
62	Bushels of potatoes, and value	"
63	Bushels of barley, and value	"
64	Bushels of grass and clover seed, and value	"
65	Bushels of flax seed, and value	"
66	Bushels of fruit, and value	"
67	Tons of hay, and value	"
68	Tons of hemp, and value	"
69	Pounds of beef, and value	"
70	Pounds of bacon, and value	"
71	Pounds of bulk pork, and value	"
72	Pounds of lard, and value	"
73	Pounds of wool, and value	"
74	Pounds of tobacco, and value	"
75	Pounds of hops, and value	"
76	Pounds of maple sugar, and value	"

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77	Barrels of beef, and value	None
78	Barrels of pork, and value	"

79	Gallons of cider vinegar, and value	"
80	Gallons of cider, and value	"
81	Gallons of wine, and value	"
82	Gallons of sorghum and maple molasses, and value	"
85	Feet of lumber, and value	"
84	Pounds of starch, and value	"
85	Pounds of feed, and value	"
86	Reams of paper, and value	"
87	Pounds of pulp, and value	"
88	Gallons of oil of all kinds, and value	"
89	Number of scales, and value	"
90	Number of yards of cloth, and value	"
91	Number of yards of flannel, and value	"
92	Number of blankets, and value	"
93	Pounds of yarn, and value	"
94	Tons of ice, and value	"
95	Number of threshing machines, and value	"
96	Number of corn shellers, and value	"
97	Value of logs and timber	"
98	Value of all property not specified above, required to be listed	"
99	Male dogs owned or harbored by me	"
100	Female dogs owned or harbored by me	"
	Grand total	92,090

Age, April 1, 1899

Post office address 320 Ferry

1476 To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their post office address.

Name.	Age.	Sex.	Deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post-office address.

Form No. 1.

Assessment List
of
Buck, James, Trustee,
P. O. Address 320 Ferry St.,
for 1899.

Fairfield Township

Personal	$92,090.00
Additional improv'm'ts	———
Number of male dogs	———
Number of female dogs	———

No poll

Filed June 1st. 1899

GEO. A. JAMISON,
Auditor.

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will of the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person, of unsound mind, or the trustee
1477 of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now, acting in such represen-ative or fiduciary capacity, and if you were, or are now, acting under the authority of any particular court, name the court, and also state to what court you report. No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally of through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into bonds or other securities of the United States, not taxable with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory 3. If you have converted any of your money or property, or money of any other person, as inquired of you, then state when the same was so converted or invested and the kind and amount and value thereof. No.

STATE OF INDIANA, }
Tippecanoe County, } ss:

I, James Buck trustee, being duly sworn, say, to the best
1478 of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes or obligations of any kind given to any insurance company on account of premium or policies, nor on account of any unpaid subscriptions to any literary, scientific or charitable institution or society, nor on account of any subscription to, or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not, directly or indirectly, converted or exchanged any of my property temporarily for the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind.

I further swear that I have, to the best of my knowledge and judgment, valued said property at its true value, by which I mean the usual selling price, being the price which could be ob-
1479 tained for said property at private sale, and not at forced or auction sale

JAMES BUCK, Trustee.

Subscribed and sworn to before me, this 3rd day of May, 1899.

GEORGE M. FORESMAN, Assessor,
By —— ——, Deputy.

18 Q. What record now have you in your hand?
A. Assessment list for the year 1900, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants read in evidence the assessment list of Job M. Nash, made by James Buck and William A. Goodman trustees, of Nash, for the year 1900, subscribed and sworn to by them May 7th, 1900, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All Property Held By James Buck and William A. Goodman Trustees, of Fairfield Township, Tippecanoe County, Indiana, on the first Day of April, 1900.

No.	Personal property-credits.	Valuation by party.	Valuation township assessor.	Valuation county assessor.
1	All annuities		None	
2	All bonds		"	
3	All notes secured by mortgage		$105,400.	
4	All other notes		None	
5	All accounts		"	
6	Number of shares of stock in building loan or savings associations, and value		"	
7	All other amounts due me from any person firm or corporation, except for moneys deposited with banks, corporations, firms or individuals		"	
	Total credits due me			

1480

From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness as follows:

(1st.) Value of all notes owing by me (as listed below)

Name of payee	Post office	Amount

(2d.) Value of accounts owing by me

Total *bona fide* indebtedness, which should be deducted from my credits leaving balance for which I should be assessed $1054.00

No. of road district —

Personal Property-chattels.

Amount brought forward from page 1 1.

1	Money on hand or on deposit with banks, trust companies, corporations, firms or individuals, or subject to my order, check or draft, including circulating notes of national banking associations and United States legal tender notes and other notes and certificates of the United States, payable on demand and circulating, or intended to circulate as currency, and gold, silver or other coin	None
2	All money loaned by me and not already entered on this schedule	"

3	All interest owing me and not entered on this schedule	
4	All judgments and allowances in my favor in any court and which I have not already entered on this schedule; also all legacies, bequests and other estates in expectancy	"
5	All moneys invested in certificates of purchase	
1481		
	at tax sale	None
7	All moneys loaned to building, loan and saving associations	"
8	All shares of stock in any corporation formed outside of this State; and also all shares of stock in any corporation formed in this State and conducting its business outside of this State	"
9	Value of goods and merchandise on hand	"
10	Value of all articles purchased received, or otherwise held for the purpose of being used, in whole or in part, in any process or description of manufacturing, combining, rectifying or refining	"
11	Value of manufactured articles on hand	
12	Value of manufacturing tools, implements and machinery (other than engines and boilers, which shall be listed as such)	"
13	Value of agricultural tools, implements and machinery	"
14	Value of gold and silver plate and plated ware	"
15	Value of diamonds and jewelry	"
16	Value of household furniture and library	
17	Value of mechanical tools, law and medical books, surgical instruments and medicines	"
18	Value of firearms	"
1482		
19	Value of poultry	None
20	Value of nursery stock	"
21	Value of property such person is required to list as pawnbroker	"
22	Value of property of companies other than property hereinbefore enumerated	"

23	Value of property of saloons and eating houses		"
24	Value of market garden products		"
25	Value of home-made manufactured products		"
26	Value of slaughtered animals		"
27	Every franchise and description and value		"
28	Value of brick, stone and all other material on hand		"
29	Number of sailing vessels, steam boats, wharf boats, canal boats, barges or other water craft, either within or without this State and value	No.	"
30	Number of patent rights, and value		"
31	Number of steam engines, including boilers, and value		"
32	Number of fire proof and burglar proof safes, and value		"
33	Number of typewriting machines, and value		"
34	Number of adding machines, and value		"
35	Number of typesetting machines, and value		"

1483

36	Number of cash registers, and value	None
37	Number of telegraphic instruments, and value	"
38	Number of telephones, and value	
39	Number of billiards, pigeon-hole, bagatelle and other similar tables, and value	"
40	Number of pianofortes, and value	"
41	Number of organs and other musical instruments, and value	"
42	Number of sewing machines and knitting machines, and value	"
43	Number of watches and clocks, and value	"
44	Number of carriages, wagons, coaches, hacks, carts, drays or other vehicles, and value	"
45	Number of bicycles, tricycles, velocipedes, motorcycles and value	"
46	Number of hoop-poles and value	"
47	Number of staves and heading- and heading blocks, and value	"
48	All cooperage material and merchandise, and value	"

Personal Property-chattels—Continued.

Amount brought forward from page 2.

49	Number of horses, and value	"
50	Number of mules, jacks, and jennets, and value	"
51	Number of cattle, and value	"
52	Number of sheep, and value	"
53	Number of hogs, and value	"
54	Number of stands of bees, and value	"
55	Number of cords of wood, and value	"
1484		
56	Bushels of coal and value	None
57	Bushels of lime, and value	"
58	Bushels of wheat, and value	"
59	Bushels of corn, and value	"
60	Bushels of rye, and value	"
61	Bushels of oats, and value	"
62	Bushels of potatoes, and value	"
63	Bushels of barley, and value	"
64	Bushels of grass and clover seed, and value	"
65	Bushels of flax seed, and value	"
66	Bushels of fruit, and value	"
67	Tons of hay, and value	"
68	Pounds of beef, and value	"
69	Tons of hemp, and value	"
70	Pounds of bacon, and value	"
71	Pounds of bulk pork, and value	"
72	Pounds of lard, and value	"
73	Pounds of wool, and value	"
74	Pounds of tobacco, and value	"
75	Pounds of hops, and value	"
76	Pounds of maple sugar, and value	
77	Barrels of beef, and value	"
78	Barrels of pork, and value	"
79	Gallons of cider, and value	"
80	Gallons of vinegar, and value	"
81	Gallons of wine, and value	"
82	Gallons of sorghum or maple molasses, and value	"
83	Feet of lumber, and value	"
84	Pounds of starch, and value	"
85	Pounds of feed, and value	"
1485		
86	Reams of paper, and value	None
87	Pounds of pulp, and value	"

88	Gallons of oil of all kinds, and value	"
89	Number of scales and value	"
90	Number of yards of cloth, and value	"
91	Number of yards of flannel, and value	"
92	Number of blankets, and value	"
93	Pounds of yarn, and value	"
94	Tons of ice, and value	"
95	Number of threshing machines, and value	"
	Number of corn shellers, and value	"
97	Value of logs and timber	"
98	Value of all property not specified above, required to be listed	"
99	Male dogs owned or harbored by me	"
100	Female dogs owned or harbored by me	"
	Grand total	105,400

Age April 1, 1900—
Post office address 220 Ferry

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, also the name of the father, mother or guardian, and their postoffice address.

Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother, or guardian.	Postoffice address.

1486 Form No. 1.

Assessment List
of
Buck, James, and William A. Goodman
Trustees
P. O. Address 220 Ferry St.
For 1900

Fairfield Township.

Personal $105400.00
Additional improv'm'ts ———

Number of male dogs ———
Number of female dogs ———
No. poll
Filed June 1st, 1900.

1487 GEO. A JAMISON,
Auditor.

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker. If yes, designate for whom you were then, or are now, acting in such representative or fiduciary capacity, and if you were, or are now, acting under the authority of any particular court, name the court, and also state to what court you report. Not as trustee.

Interrogatory 2. Have you, before the first day of April of the present year, either personally or through the agency of others caused all or any part of your taxable money or other property to be temporarily converted either by sale, borrowing, exchange, or in any other manner, into bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back such property; or did you, on or after the first of April of the present year and before you *you* saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

1488 Interrogatory 3. If you have converted any of your money or property or money or property of any other person, as inquired of you then state when the same was so converted or invested, and the kind and amount and value thereof. No.

STATE OF INDIANA, }
Tippecanoe County, } ss:

I, James Buck and Wm. A. Goodman trustees, being duly sworn, say to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property appertaining to merchandise, whether held in actual possession or only having been purchased with a view to possession or profit and all personal property appertaining to manufacturing and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully described, and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscriptions to any literary, scientific or charitable institution or society, nor on account of any subscription to, or indebtness payable on the capital stock of any company, whether in-
1489 corporated or unincorporated; and I further swear that since the first day of April of last year, I have not, directly or indirectly, converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property, or securities of any kind.

I further swear that I have to the best of my knowledge and judgment, valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale.

JAMES BUCK AND
WM. A. GOODMAN, Trustees.

Subscribed and sworn to before me, this 17th day of May, 1900.

G. M. FORESMAN, Assessor,
By R. D. HOOVER, Assessor.

19 Q. What record?

A. Assessment list for the year 1901, city of Lafayette, Fairfield township, Tippecanoe county, Indiana.

Defendants offer in evidence the assessment list of Job M. Nash made by James Buck and William A. Goodman trustees of Nash, for the year 1901, subscribed and sworn to by them April 30th, 1901, city of Lafayette, Fairfield township, in the words and figures following, to-wit:

Schedule of All Property Held by James Buck and Wm. A. Goodman, Trustees of Fairfield Township, Tippecanoe County, Indiana, on the First Day of April, 1901.

1490

No.	Personal property-credits.	Valuation by party.	Valuation by township assessor.	Valuation county assessor.
1	All annuities		None	
2	All bonds		"	
3	All notes secured by mortgage		$78,145	
4	All other notes		None	
5	All accounts		"	
6	Number of shares of stock in building, loan or savings associations, and value		"	
7	All other accounts due me from any person, firm or corporation, except for money deposited with banks, corporations, firms or individuals		"	
	Total of credits due me		"	
	From the sum of the above credits I claim a deduction of the amount of my *bona fide* indebtedness, as follows:			
(1st.)	Value of all notes owing by me (as listed below)			
	Name of payee — Post office — Amount.			
(2d.)	Value of accounts owing — me			
	Total *bona fide* indebtedness, which should be deducted from my credits			
	Leaving balance for which I should be assessed			

1491

No. of road district —

Personal Property-chattels.

	Amount brought forward from page 1			$78,145.00
1	Money on hand or on deposit with banks, trust companies,			

	corporations, firms, or individuals, or subject to my order check, or draft, including circulating notes of national banking associations and United States legal tender notes and certificates of the United States payable on demand and circulating, or intended to circulate, as currency and gold, silver or other coin	None
2	All money loaned by me and not already entered on this schedule	"
3	All interest owing me and not entered on this schedule	"
4	All judgments and allowances in favor entered in any court and which I have not already entered on this schedule; also all legacies, bequests and other estates in expectancy	"
5	All money invested in certificates of purchase at tax sales	"
6	All moneys invested in certificates of purchase at sheriff's sales	"
7	All moneys loaned to building, loan and savings associations	"
8	All shares of stock in any corporation formed outside of this State; and also all shares of stock in any corporation formed in this State and conducting its business outside of this State	None
9	Value of goods and merchandise on hand	"
10	Value of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining	
11	Value of manufactured articles	"
12	Value of manufactured tools, implements and machinery (other than engines and boilers, which shall be listed as such)	"
13	Value of agriculture tools,	

1492

	implements and machinery	"
14	Value of gold and silver plate and plated ware	"
15	Value of diamonds and jewelry	"
16	Value of household furniture and library	"
17	Value of mechanical tools, law books and medical books surgical instruments and medicines	"
18	Value of firearms	"
1493		
19	Value of poultry	None
20	Value of nursery stock	"
21	Value of property such person is required to list as pawnbroker	"
22	Value of property of companies and corporations other than property hereinbefore enumerated	"
23	Value of property of saloon and eating houses	"
24	Value of garden products	"
25	Value of home made manufactured products	"
26	Value of slaughtered animals	"
27	Every franchise and description and value	"
28	Value of bricks, stone and all other building material on hand	"
29	Number of steamboats, sailing vessels, wharf boats, canal boats, barges or other water craft either within or without this State, and value	"
30	Number of patent rights,	No.
	and value	"
31	Number of steam engines, including boilers and value	"
32	Number of fire and burglar proof safes, and value No. 2	$100
33	Number of typewriting machines, and value	None
34	Number of adding machines,	
1494		
	and value	None
35	Number of typesetting machines and value	"

36	Number of cash registers, and value	"
37	Number of telegraph instruments, and value	"
38	Number of telephones, and value	"
39	Number of billiard, pigeon hole, bagatelle, and other similar tables, and value	"
40	Number of piano fortes and value	"
41	Number of organs and other musical instruments, and value	"
42	Number of sewing machines, and knitting machines, and value	"
43	Number of watches and clocks, and value	"
44	Number of carriages, wagons, coaches, hacks, carts, drays or other vehicles, and value	"
45	Number of bicycles, tricycles, velocipedes, motorcycles, and value	"
46	Number of hoop-poles, and value	"
47	Number of staves and heading- and heading blocks, and value	"
48	All cooperage material and merchandise, and value	"

Postoffice address

1495

Personal Property, Chattels—Continued.

Amount brought forward from page 2.

49	Number or horses, and value	None
50	Number of mules, jacks and jennets, and value	"

1496

51	Number of cattle, and value	None
52	Number of sheep, and value	"
53	Number of hogs, and value	"
54	Number of stands of bees, and value	"
55	Number of cords of wood, and value	"
56	Bushels of coal, and value	"
57	Bushels of lime, and value	"

58	Bushels of wheat, and value	"
59	Bushels of corn, and value	"
60	Bushels of rye, and value	"
61	Bushels of oats, and value	"
62	Bushels of potatoes, and value	"
63	Bushels of barley, and value	"
64	Bushels of grass and clover seed, and value	"
65	Bushels of flax seed, and value	"
66	Bushels of fruit, and value	"
67	Tons of hay, and value	"
68	Tons of hemp, and value	"
69	Pounds of beef, and value	"
70	Pounds of bacon, and value	"
71	Pounds of bulk pork, and value	"
72	Pounds of lard, and value	"
73	Pounds of wool, and value	"
74	Pounds of tobacco, and value	"
75	Pounds of hops and value	"
76	Pounds of maple sugar, and value	"
77	Barrels of beef, and value	"
78	Barrels of pork, and value	"
79	Gallons of cider, and value	"
80	Gallons of vinegar, and value	"
81	Gallons of wine, and value	"

1497

82	Gallons of sorghum and maple molasses, and value	None
83	Feet of lumber, and value	"
84	Pounds of starch, and value	"
85	Pounds of feed, and value	"
86	Reams of paper, and value	"
87	Pounds of pulp, and value	"
88	Gallons of oil of all kinds, and value	"
89	Number of scales, and value	"
90	Number of yards of cloth, and value	"
91	Number of yards of flannel and value	"
92	Number of blankets, and value	"
93	Pounds of yarn, and value	"
94	Tons of ice, and value	"
95	Number of threshing machines, and value	"
96	Number of corn shellers, and value	"
97	Value of logs and timber, and value	"
98	Value of other property not specified above, required to be listed	"

99 Male dogs owned or harbored by me "
100 Female dogs owned or harbored by me "

Grand total $78245

Age, April 1, 1901 —.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic or insane, with their names, ages and sex, and also the name of the father, mother or guardian, and their postoffice address.

1498 Name.	Age.	Sex.	Whether deaf and dumb, blind, idiotic or insane.	Name of father, mother or guardian.	Post-office address.

Form No. 1.

Assessment List
of
James Buck and
Wm. A. Goodman, Trustees.
P. O. Address Lafayette, Ind.
For 1901.

Fairfield Township.

Personals $78245
Additional improv'm'ts _____
Number of male dogs, _____
Number of female dogs, _____
No. poll
Filed — ——, 1901.

——— ——,
Auditor.

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any infant or person of unsound mind, or the

trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker in-
1499 vesting, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now, acting in such representative or fiduciary capacity, and if you were, or are now, acting under the authority of any particular court, name the court, and also state to what court you report. Trustees of estate of *Wm. A. Goodman* probate court of Hamilton, Ohio.

Interrogatory 2. Have you, before the first day of April of the present year, either personally or thorugh the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into bonds or other securities of the United States, not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid? No.

Interrogatory 3. If you have converted any of your property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof. No.

1500 STATE OF INDIANA, } ss:
Tippecanoe County, }

I, Jas. —— being duly sworn, say, to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or *only having been purchased with a view to possession or* profit, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described, and its true value represented. That I have in no case sought to mislead the assessor, as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received and do not consist in any part in bonds, notes or obligations of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscriptions to any literary, scientific or

charitable institution or society, nor on account of any subscription to or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not, directly or indirectly, converted or exchanged any of my property temporarily, for
1501 the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind.

I further swear that I have, to the best of my knowledge and judgment, valued said property at its true value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced sale or auction sale.

JAMES BUCK.

Subscribed and sworn to before me, this 30th day of April, 1901.
CHAS. F. REINHART, Assessor,
By H. W. STACK, Deputy.

Cross-examination — Mr. HANLY, counsel for plaintiff:

20 Q. Mr. Cheney, I will ask you what, if any, return of the personal property of Job M. Nash, for taxation in Fairfield township, city of Lafayette, Indiana, for the year 1887 was made by Mr. Nash or by any person for him other than the one made by James Buck and identified by you and introduced in evidence?

A. There wasn't any to my personal knowledge.

21 Q. Have you examined the tax lists returned?

A. No, sir, I haven't.

22 Q. I wish you would examine the tax lists for each year from 1881 to 1893, inclusive, so as to be able to answer such question?

A. I have.

Thereupon the further taking of said depositions is adjourned until Monday, August 26, 1901, at 9 o'clock a. m.

1502 LAFAYETTE, IND.,
Monday, August 26, 1901—9 o'clock a. m.

The parties met as heretofore and by agreement adjourned until Tuesday, August 27, 1901, at 9 o'clock a. m.

LAFAYETTE, IND.,
Tuesday, August 27, 1901—9 o'clock a. m.

The parties met pursuant to adjournment, present as heretofore, and the further taking of these depositions is continued as follows:

HARVEY H. CHENEY recalled by the plaintiff and testifies as follows:

Cross-examination by Mr. HANLY, counsel for plaintiff:

23 Q. Mr. Cheney, I will ask you what, if any, return of the personal property of Job M. Nash for taxation in Fairfield township, city of

Lafayette, Indiana for the year 1887, was made by Mr. Nash, or any person for him other than the one made by James Buck and identified by you and introduced in evidence?

A. I couldn't find any in the record.

24 Q. You made a search of the records?

A. Searched the records, yes, sir.

25 Q. State whether or not any such return is contained in the records other than the one identified by you and the one made by Mr. Buck?

A. There wasn't any that I could find.

26 Q. What, if any, return of personal property for taxation was made by Job M. Nash, or by any person for him, in the township of Fairfield, city of Lafayette, Tippecanoe county, in the State
1503 of Indiana, for any of the years from 1881 to 1893, inclusive, other than the returns made by James Buck as agent and as trustee, and identified by you are shown by the tax records in the office of the auditor of Tippecanoe county, Indiana?

A. There wasn't any that I could find.

27 Q. You made a search of those records?

A. I made a search of the records from 1881 to 1893, inclusive.

28 Q. What records did you search?

A. The assessment sheets and tax duplicates in the treasurer's vault.

By Judge LANGDON, counsel for defendants:

29 Q. You made no examination, as I understand you, of the assessments that were placed upon the record during those years, or afterwards by any other person as omitted property?

A. You mean after those years?

30 Q. Your examination didn't cover a search for any property of Nash put upon the tax duplicates or return or put on by any officer of the State during any time during the years mentioned in question or afterwards as omitted property?

A. No, sir, only what was put on by Wood since for those years.

31 Q. He reported you mean?

A. Yes, he reported to us and we put it on.

32 Q. There were others put on?

A. There wasn't very much, you know.

33 Q. I am not asking for quantity, I am asking you as to whether there were?

A. I was not searching for that. I did put a few small amounts reported by Willie Coffroth.

1504 34 Q. That is all you remember?

A. Yes, sir.

35 Q. Anybody else?

A. No, sir.

36 Q. You made a full exploration?

A. I looked from the year 1881 to 1893, including both years.

By Mr. HANLY, counsel for plaintiff:

37 Q. You may examine this instrument. (Handing witness paper.) I will ask you if that is the finding and return made by George A. Jamison, auditor of Tippecanoe county, Indiana, upon the hearing after the notice given to Buck and Goodman, as trustees for the placing of omitted property on the tax duplicate?

Objected to by the defendants on the ground it is not the best evidence.

A. Yes, this is the return.

38 Q. Was that return made and filed in the auditor's office?

A. Yes, sir.

Mr. HANLY: We offer the return made by the auditor for the hearing under the notice given to Buck and Goodman as trustees for the placing of the property involved in the issues in this case upon the tax duplicates of Tippecanoe county.

Objected to by the defendants on the ground it is not the best legal evidence. It is not a record the law authorizes to be used as evidence of the facts recited therein.

1505 Whereupon said paper is marked "A. A. O. R." and put and read in evidence by the plaintiff in the words and figures following, to-wit:

	Am't.	Rate.	Tax.
1881	338,190	1.05	4,076.
1882	430,940	1.05	4,524.87
1883	445,979	1.21	5,396.34
1884	474,981	1.19	5,052.27
1885	493,311	1.08	5,327.75
1886	559,431	1.08	6,041.85
1887	574,041	1.08	6,199.64
1888	597,041	1.16	6,925.67
1889	621,971	1.35	8,396.60
1890	651,904	1.77	11,538.70
1891	831,205	1.06	13,798.
1892	671,714	1.15	7,724.71
1893	700,791	1.95	13,665.42

Comes now William B. Wood and files a written statement informing me that one Job M. Nash, now deceased, but who in life was a resident of the city of Lafayette, in Tippecanoe county, Indiana, and as such was taxable in said county and State, and that the said Nash, for the years 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, and 1893 failed to list all of his personal property for taxation; but, on the contrary, that a large amount of personal property, belonging to him was omitted from the assessment books and from the proper duplicates for each of said years; said statement specifically describing the personal prop-

erty so omitted for said several years, and which said statement reads in the following words and figures, to-wit: (Insert)
1506 And upon filing of said statement pursuant to law, I issued a statement to John R. Coffroth and William A. Goodman, executors of the last will and testament, of the said Job M. Nash, deceased, and also a notice to James Buck, trustee of a fund created by the will of said Job M. Nash, deceased, informing them, and each of them, of said omitted property, that the said Job M. Nash in his lifetime, had failed and neglected to give in and list for taxation as the law directs; and upon this day, I served the said James Buck, and the said John R. Coffroth each with a copy of said notice, and left the same in their possession; and upon this day, I sent by American Express a copy of said notice to William A. Goodman to his address at Cincinnati, Ohio; and in each of said notices served as aforesaid, I fixed the 30th day of April, 1895, as the day upon which they should appear before me at my office in the court house, at the city of Lafayette, Indiana, for the purpose of showing cause, if any they had, why said omitted property, mentioned in said statement and in said notice, should not be placed upon the proper tax duplicate of said county and State, for taxation; that said notice so served as aforesaid, and fixing said time as aforesaid for the appearance of said executors and said trustee, before me as aforesaid, reads in the words and figures as following, to wit:

(Insert.)

That on the said 30th day of April, 1895, the said John R. Coffroth, in proper person, and the said James Buck, in proper
1507 person, and by B. W. Langdon, their attorney, appeared before me and requested that the consideration of said notice be continued until the 6th day of May, 1895, at 10 o'clock a. m. That on said 6th day of May, 1895, the said John R. Coffroth, one of the executors as aforesaid, came in person and filed with me his written motion, duly verified, asking that the further consideration of the matters in controversy by reason of said notice, served as aforesaid, be dismissed; that after due consideration, I overruled said motion to dismiss; that said motion, praying dismissal as aforesaid, reads in the words and figures as follows to-wit:

(Insert.)

That the said William A. Goodman failed to appear either in person or by attorney, after being three times duly called wholly made default; and the said James Buck, upon said day, failed to appear at the time named for his appearance, either in person or by attorney, and after being three times duly called, was by me duly defaulted. That on the afternoon of said day I proceeded with the examination of witnesses for the purpose of informing myself as to the validity of the statement made, concerning said omitted property, belonging to the estate of said Job M. Nash, deceased, and which

said property was described in the aforesaid notice. And, after hearing, and examining evidence oral, and documentary, I find, that the said Job M. Nash died on the 19" day of July, 1893; that the said John R. Coffroth and William A. Goodman are the duly qualified and now acting executors of the last will and testament of the said Job M. Nash, deceased; that the said James Buck, is a trustee
1508 of a fund created by the will, of the said Job M. Nash, deceased, which said will was duly probated, according to law, in the probate court of Hamilton county, Ohio. That the said Job M. Nash in his lifetime, and for the years 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892 and 1893, was a resident of the city of Lafayette, in Tippecanoe county, and that for the years 1886, 1887, 1888, 1889, 1890, 1891, 1892 and 1893, the said Nash had in his employ and authorized and empowered as his general agent for the transaction of business for and in his behalf, the said James Buck and that the said James Buck was during each and all of said years last named a resident of the city of Lafayette, in Tippecanoe county, Indiana; and as such agent filled out and delivered to the township assessor tax blanks listing a portion of the personal property of the said Job M. Nash; and that said blanks so filled out as aforesaid by said agent were under the direction and control of the said Job M. Nash.

That said Nash was frequently from the year 1886 to 1893 inclusive absent from the city of Lafayette and for the purpose of evading and escaping taxation directed his agent at Lafayette, the said James Buck, to send to him securities in the hands of said Buck on property outside of Tippecanoe county, Indiana shortly prior to April first of each of said years, which direction was obeyed by said Buck, and shortly after the first day of April in each of said years the said Nash returned the package of securities so sent to him by said Buck unopened. And said securities were held by said
1509 Buck as agent for said Nash for the entire year and of each several years except a few days before and after April first of each year, and were only withdrawn by said Nash for the purpose of escaping taxation as aforesaid.

I further find that for the years 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892 and 1893 the said Nash's personal property was not all listed for taxation; but, on the contrary, a large amount of personal property belonging to him was omitted from the assessment books and from the proper tax duplicates for each of said several years, which personal property consisted of notes secured by mortgage in this and surrounding counties and in other places, railroad bonds, water works bonds, street railway bonds, and hospital bonds. Which notes and mortgages were good and worth 100 cents on the dollar on their face value including interest, and which said bonds were also worth, at least, their face value. And which said property after deducting the amounts returned by said Nash and through his agent as aforesaid amounted on April 1st for the year 1881 to $388,190.00 and was of the value of $388,190.00 for the year

1882 $430,940.00 and was of the value of $430,940.00 for the year 1883 $445,979.05 and was of the value of $445,979.05 for the year 1884 $474,981.45 and was of the value of $474,981.45 for the year 1885 $493,311.55 and was of the value of $493,311.55 for the year 1886 $559,431.55 and was of the value of $559,431.55 for the year 1887 $574,041.55 and was of the value of $574,041.55 for the year 1888 $597,041.55 and was of the value of $597,041.55 for the year 1889 $621,971.55 and was of the value of $621,971.66 for the year 1890 $651,904.85 and was of the value of $651,904.85 for the
1510 year 1891 $831,205.35 and was of the value of $831,205.35 for the year 1892 $671,714.85 and was of the value of $671,714.85 for the year 1893 $700,791.55 and was of the value of $700,791.55.

I further find that the above omitted property was owned by said Nash on the first day of April of the years above named. And I do now assess the same as omitted property, which has unlawfully and unjustly escaped taxation, and I do now correct the proper tax duplicate of said county accordingly, and add said omitted property thereto.

GEO. A. JAMISON,
Auditor Tippecanoe County.

ALVA O. RESER being first duly sworn testifies as follows:

Direct examination by Mr. HANLY, counsel for plaintiff:

1 Q. What is your business, Mr. Reser?

A. I am a stenographer.

Q. How long have you been a stenographer?

A. Fifteen years.

Q. I will ask if you as stenographer took the evidence introduced at the hearing under the notice by George A. Jamison, auditor of Tippecanoe county to Goodman and Buck, trustees under the will of Job M. Nash of the intention of the auditor to place the omitted property involved in the issues in this case upon the tax duplicate of the county of Tippecanoe, in Fairfield township, city of Lafayette, for assessment, said hearing being held on the 6th day of May, 1896?

A. I did.

Q. I will ask you if you took the questions and answers addressed to and made by James Buck at said hearing?

1511 A. I did.

5 —. You may examine this instrument and state what it is?

(Handing witness paper.)

A. That is the transcript of the statements made by Mr. Buck at that time.

6 Q. Those statements were made under oath?

A. They were.

7 Q. Is it a correct, full and complete transcript of the shorthand notes as made by you at the time of the hearing?

Objected to by the defendants.

A. It is, in my judgment.
8 Q. Who made this transcript?
A. I made it.

Plaintiff offers in evidence the examination of Mr. Buck at the hearing before the auditor under the notice given to Buck and Goodman for the placing of the omitted property involved in the issues in this case on the tax duplicate of Tippecanoe county for assessments.

Objected to by the defendants on the ground it is not the best evidence or legal evidence, the statute not requiring the examination to be taken by the stenographer or authorizing the transcript of the shorthand notes of the reporter into longhand; that the statements herein contained were made merely for the information of the auditor, and that they have not been exhibited to the witness,
1512 Buck, nor has his intention been called to the same as to whether or not he had made the statements therein contained for the purpose of contradiction.

Thereupon said examination is marked "B. A. O. R." and put and read in evidence and made part of this record in the words and figures following, to-wit:

Testimony of James Buck, Trustee of the Estate of Job M. Nash, Given Before George A. Jamison, Auditor of Tippecanoe County, Monday, May 6, 1895.

JAMES BUCK being first duly sworn testifies as follows:

Questions propounded by WILL R. WOOD, Esq.:

Y. You may state your name?
A. James Buck.
Q. You are now acting as trustee of the estate of Job M. Nash, deceased?
A. Not of the estate, I am not.
Q. Well, of the funds belonging to the estate?
A. I am acting as trustee of a certain fund that he created.
Q. It is a fund arising from the estate of Job M. Nash?
A. Yes.
Q. You were an agent of Mr. Nash during his lifetime, were you not?
A. Yes, sir.
Q. For how long a time?
A. I began service for Mr. Nash, that is, looking after his farms in June, 1879, and took charge of his office in July, 1885, I believe.
Q. You say you were agent of his lands commencing in 1879?
A. I was agent of his farms, renting them, and collecting
1513 his rents, and paying it in as cashier.
Q. In 1885 you became his agent for his lands and his business?
A. Yes.

Q. I will ask you, Mr. Buck, as his agent from 1885 down to the time of his death if you had charge of listing and filling out his tax blanks?

A. I did.

Q. You commenced, then, in 1886; if you went into the office in 1885?

A. The first assessment list I think I made out in 1886.

Q. I will ask you if you knew anything about his tax arrangements prior to 1886?

A. I did not.

Q. I will ask you when you became his general agent and had charge of his business commencing in 1886, if there was any record of any kind or character turned over to you, showing a list or record of his notes and mortgages that he held prior to that time?

A. Yes, he kept what we call a mortgage record.

Q. How far back in 1886 did that go?

A. Well, that would be a question I couldn't answer; it ran back for several years.

Q. Did it run as far as 1880?

A. Yes.

Q. Do you know where that record is now?

A. I think that one was burned up.

Q. Were there some of these records burned up?

A. Yes.

Q. I will ask you if there is any record of these mortgages that he kept that ran back as far as 1881 in existence that you know of?

1514 A. I don't think there is.

Q. Now, Mr. Buck, I will ask you if you have any knowledge of a mortgage executed by Robert Andrews and Elizabeth Andrews and Alice Sloan, securing the payment of a debt amounting to $6000, bearing date June 26, 1885, and which he had in 1886?

A. Well, the name sounds familiar to me, and my impression is there was a mortgage of that kind, but my mind don't have any recollection of Sloan.

Q. For the purpose of refreshing your memory I will ask you, Mr. Buck, if you have any paper or record which came into your hands as agent of Mr. Nash, whereby you can inform yourself of the fact whether or not you had such a note or not?

A. I think not; that is an old piece of paper; and I am very certain that the mortgage record is destroyed.

Q. You say you have some impression that there was such a paper as that?

A. It is only an impression that I had a piece of paper on Mr. Andrews; he is a Cincinnati man, I think; but I have no recollection as to the amount.

Q. I will ask you whether or not you know of a mortgage of one

William B. Burnett and E. R. Johnson, dated Dec. 26, 1885, and which he had on the 1st of April, 1886?

A. Yes, there was such a mortgage note and mortgage I think; I disremember the amount.

Q. I will ask you if you know of a mortgage executed by Lizzie J. Young, unmarried, to Job M. Nash, dated Jan. 15, 1886?

A. There was a note and mortgage against a lady by the
1515 name of Young, but I cannot, of course recall the amount or the date of it.

Q. Is there any way by which you can inform yourself as to that matter?

A. I am under the impression that there is not; it is too far back.

Q. I will ask you whether or not you know of a mortgage executed by John McDonald and Martha L. Rodgers, and assigned to Nash, dated May, 5, 1885, to secure a debt amounting to $5000?

A. I think there was.

Q. Do you know whether there was a mortgage executed by Bernard G. Stall to James S. Birdsell, and assigned to Job M. Nash?

A. Yes, I have a very good recollection of that; I don't recollect the amount exactly, but I know there was a mortgage on the books, and was foreclosed in Cincinnati.

Q. Frank W. Handy and Ella H. Handy to Job M. Nash to secure the paymant of a certain sum of money, executed June 4, 1880, and which he held in 1886?

A. I know there was a mortgage given by Mr. Handy, but the amount or date I do not recall; my impression is it was $8000 or $10,000.

Q. Here is a mortgage executed by the Lewis Cook Mnfg. Co. Thomas C. Campbell, and Horace L. Richwater and assigned to Nash, dated October 3, 1882, and which be held in 1886 amounting to $21,279.

A. Well, sir, there was no such mortgage, for that amount; you have got it wrong.

Q. Was there a mortgage?

A. There was a mortgage to secure the payment, according to my recollection, of $12,500; that is my recollection about it; I
1516 think there was two notes of $5,000 each; I will not undertake to explain it any further than that; it is all memory and I may get tangled up on that.

Q. You don't think it was as much as $21,000?

A. I think not.

Q. Another mortgage Frank Handy and Ella, his wife, to Job Nash, dated June 4, 1880, bearing the same date as the other, for $2,000?

A. The amount of that mortgage against Handy was either $8,000 or $10,000.

Q. Altogether?

A. That is my recollection about it.

Q. J. C. Huntington and Mary, his wife, mortgage dated Dec. 1, 1884, to secure the payment by Huntington to Nash of $5,000 and had on the first day of April, 1886, was it?

A. Yes, there was six of those mortgages of $5,000 apiece.

Q. Mortgage John C. Carlyle and George T. Stedman dated 1883, and which he had April 1, 1886?

A. Yes, Mr. Nash had 2 mortgages against John C. Carlyle, one of $10,000 and the other $15,000; I have no recollection of the dates.

Q. Mortgage Jabez M. Waters to Job M. Nash dated Jan. 3, 1885, securing a debt amounting to $4,000, and which he had on the first day of April, 1886; do you remember that?

A. There was such a note and mortgage.

Q. Leopold Burkhart, and Sarah, mortgage dated June 4, 1885, securing the payment of $10,620, and which he had on April 1, 1885?

A. I disremember the amount, but there was such a mortgage.

Q. Mortgage Josephine Calvert, formerly McLaughlin, and
1517 David W. Calvert, dated May 29, 1885, securing the payment of a debt from said Calvert to said Nash?

A. The name Josephine is very familiar; I am not so sure about the name Calvert.

Q. You stated you were his agent and had charge of fixing his tax lists the first being made out by you in 1886, and down to and including 1893?

A. Yes.

Q. He died in 1893?

A. He died on the 19th day of July, 1893.

Q. I will ask you how you know he had those mortgages you have spoken of; how you knew he had them here?

A. Because they were left in my case; I had a record of them; I collected the interest on them; that is, in this way, when a mortgage was sent here it was sent here by his agent in Cincinnati to me to make the record and which I did, I then laid it away in the vault and when the interest became due I sent it to his agent, the interest note for collection; he would collect it and send me a report that he had collected it and deposited it in his bank down there, and I would mark it so on the mortgage record.

Q. And the principal note you would keep here until it was paid?

A. I would keep it here until it was due and I would then send it to his agent, who, if it was paid, would send me a certificate from the bank,—not a bank certificate, but send me a notice that the note was paid, and I would then mark it off the book as a paid note.

Q. I will ask you if you ever gave in for the year 1886 for taxation any one of the notes concerning which you have testified that you have a memory?

1518 A. I did not; I did not give any notice for assessment outside of Indiana.

Q. I will ask you, Mr. Buck, why you did not give in any notes

that you had in your possession, and which were secured by mortgage upon property in the State of Ohio and which you held here for collection and did collect in the manner you had stated, or remitted the interest notes for collection?

A. For the reason he had instructed me on the last days of March of each year to put in a package and send all these notes to him in Cincinnati in the care of his bank and he would attend to giving them in for taxation himself.

Q. And did you do that?

A. I did.

Q. When did you commence doing that?

A. The first year I was in the office; the first year that it was necessary to make out an assessment, which would be in 1886.

Q. And you continued to do that until 1893?

A. I did.

Q. Every year?

A. Yes.

Q. When would you send them?

A. Well, the last days of March, say from the 25th to the 27th or 30th of March.

Q. Now, Mr. Buck, when would you get those back here again after that time?

A. Well, probably about the 10th of April; when it was necessary for him to have them back here for the purpose of collecting any interest, I would order them back if he was not there himself.

1519 Q. And then you would hold them again until the next year the same way?

A. Yes, sir.

Q. Do you know whether he ever did give them in at Cincinnati, or not?

A. I do not.

Q. Who was his banker at that time?

A. W. A. Goodman.

Q. Is that the same man who is one of his executors?

A. Yes, he is one of his executors and he is co-trustee with me.

Q. Mr. Coffroth is not a trustee, is he?

A. No, he is an executor.

Q. None of these notes you had in your possession from year to year and which you said you put in an envelope and sent to him at Cincinnati; none of these were put in for taxation here?

A. No, sir, I never gave any of them in because they were out of my hands, by his orders, on the first day of April.

Q. Did he tell you what the reason was he wanted you to send them down there to him?

A. No, sir; just to give you an idea how this occurred; I want to be fair in this matter; I propose to tell the truth; he wrote me a letter from New York probably 2 or 3 weeks before it was time to give in the property for assessments after I went into his office

which would be in 1886, in which he ordered me to only return for taxation the notes and mortgages in Tippecanoe county, and I wrote him back that I would not do it; that I understood the law was such that it made it the duty of an agent to give in for taxa-
1520 tion all the property that he had in his hands on the first day of April, and to swear to it, and that I would not swear to a lie for his property; he would have to get somebody else; he then wrote me to send the paper, except the paper in Tippecanoe county, to Cincinnati and he would attend to giving it in for taxation himself; I sent that year only the mortgages and notes that were due in Ohio; there was a great amount of paper held out in Benton county, some in White, and against his orders I gave in here all the paper I had in the State of Indiana. I spoke to him when he came out and told him why I did it; I said to him, "The tax sharks are after all the wealthy men just now, and I think the best thing that could happen you would be to give this thing in, and I done it and disobeyed your orders, and I am ready to take my discharge."

Q. What did he say?

A. He said, "You will not be discharged; I guess you done right."

Q. You stated that each year afterwards you did the same thing?

A. Yes, while I had charge of the business.

Q. I will state to you, Mr. Buck, I have upon this information I have given this auditor a great amount of property, of mortgages in this county and in Benton county; do you mean to state that during all the years you were his agent here you gave in all those here for taxation?

A. I gave them in honestly and paid the taxes on them every year, except the last year, 1893; he wrote me from New York to return to him in Cincinnati, with the Cincinnati paper, the
1521 notes for the new loans I had been making in Benton Co. and White Co., and I did that to the amount of somewhere in the neighborhood of $22,000, and with that exception I have given in honestly all notes and mortgages he held here, and paid the taxes on them.

Q. I have given the auditor notice here concerning a lot of bonds that have not been listed here for taxation; here is one lot of bonds issued by the Cincinnati hospital, Cincinnati, Ohio, and assigned to Job M. Nash, calling for and securing the payment to him of $100,000, which bonds were the first day of April, 1886, of the value of $100,000, and for each year thereafter; do you know anything about those bonds?

A. He had them, but I never had them here.

Q. You never had those in your possession?

A. No, sir.

Q. Do you know whether they were ever given in for taxation in Ohio?

A. I do not.

Q. There is one lot of bonds issued by the Cincinnati Southern R. R. Co. calling for $25,000, which bonds he had in 1886?

A. He had a number of bonds of that character, but I disremember the amount.

Q. Did you ever have them?

A. I never had them.

Q. You don't know whether he gave them in for taxation in Ohio or not?

A. I do not.

Q. Here are a lot of bonds, Newport water works, Newport, Ky. $55,000?

1522 A. I never had them here; he had that amount of bonds; that is my impression; I am not swearing positively as to that.

Q. South Covington & Cincinnati St. R'y bonds?

A. Yes, he had such bonds as these.

Q. They were held down there?

A. Yes, sir.

Q. Where down there?

A. In his saf-ty deposit box in the safety deposit vault.

Q. Bonds of Oshkosh Gas Co. of Oshkosh, Wis.?

A. Yes, sir.

Q. Did you ever have them?

A. No, sir.

Q. They were down there?

A. Yes, sir.

Q. A lot of stock of the Pittsburg, Chicago & Ft. Wayne R. R. Co.?

A. Yes, he had bonds of that kind.

Q. They were down there?

A. Yes, sir; I never had any bonds here except some bonds the character of which I cannot state, but they were sent here as collateral security to secure certain notes, and of course, they were not taxable because the note was the property; they were simply put up by another party as collateral; those were the only kind of bonds I ever had there.

Q. I will call your attention to those mortgages that were on the Ohio real estate, and which would be included in the ones which you say, by his directions, you sent back to him in the last days of March of each year; here is one Maria Foley and John Foley?

A. There was such a mortgage and note as that; $4500, is

1523 it not?

Q. $4500?

A. Well, that is pretty close to it; I can't recollect the year; that mortgage may have been paid off within 2 or 3 years after it was given; I can't tell anything about that from memory.

Q. Here is one Caroline Blymer to Job M. Nash for $15,000?

A. Yes, there was such a mortgage.

Q. Dated in 1888, and it was assigned to Frances V. Nash?

A. Yes, it was assigned to her.

Q. Do you remember that mortgage?

A. Yes.

Q. Charles M. Steel and Angeline, $10,000; mortgage?

A. I recollect that.

Q. Amelia Seymour to Robert T. Overdale, and assigned to Job M. Nash?

A. I recollect that Seymour.

Q. $4000?

A. Yes, I don't recollect the amount.

Q. Ralph Peters to Job M. Nash, dated 1887?

A. There are 2 mortgages on Ralph Peters of $3500 apiece; he is Mr. W. A. Goodman's son-in-law; they were on hand when Mr. Nash died.

Q. Here is one Sarah J. Scanlon, dated January, 1887?

A. There are 2 sisters.

Q. Sarah J. Scanlon and Margaret Scanlon, $5,000?

A. Yes, I recollect it.

Q. Henry W. Crawford to James R. Smith?

A. I recollect Crawford very well; of course, I don't know anything about who these were transferred to; Mr. Goodman do doubt bought these mortgages of the parties whom they were trans-
1524 ferred to, and Mr. Crawford being the payer, of course I only recollect his name.

Q. Alexander Starbuck?

A. Yes, I know the name.

Q. May 22, 1888, $4500?

A. There are two others, I think; one other anyway.

Q. Alexander Starbuck again for $2000, 1891?

A. Yes, and there is one for $1500 you will find.

Q. Alexander Starbuck for $1500?

A. Those are mortgages, some of them at least on hand when Mr. Nash died, and we took them into the trust, and the Starbuck mortgages were paid off last week I think in Cincinnati; he had them here.

Q. You had them here when?

A. Well, they were given to me in the division between Mr. Goodman and me deviding up the trust.

Q. Rebecca H. Girdon, Mary Webb, Florence Webb, Belle Gordon, Kate Gordon, Kate Condin, Joseph Boyd, to Anna Thompson, assigned to Nash in 1887, $10,000.

A. I think that is too much; I am quite sure I never had that amount against those people. I had some mortgages notes against them here I am very sure.

Q. Albert D. Smith to Job Nash, 1888, $5000?

A. Yes, I recollect it.

Q. Henry Koester to Job Nash $3500, dated 1889?

A. I recollect it.

Q. Catherine Young to Martha Young and assigned to Nash?

A. I recollect that too.
Q. Lizzie Charles to Job Nash?
A. Lizzie Charles and her sister.
Q. William T. Handy to Job Nash March 2 1889, $9000.
A. Yes, sir.
1525 Q. Addison Betts to Job Nash, $5,000?
A. I recollect it.
Q. James W. Marcy to Job Nash, Feb. 26th, 1889, $5000.
A. I recollect it.
Q. Marshall Keyt for $12,000.
A. Yes, I have it.
Q. Susanna Keyt, Marshall Keyt, Hattie Kyte, Harry Kyte, Rebecca Kyte, Humphreys Kyte.
A. Those all went to Job Nash.
Q. That is $7800.
A. I don't recollect that; those people made a loan in the first place of a few thousand dollars, and they kept getting money along, and finally it was all absorbed into one general loan of $12,000.
Q. Charles Case to Job Nash?
A. Yes, sir.
Q. $5500?
A. Correct.
Q. Thomas Corey?
A. Yes, sir.
Q. $10,000?
A. Yes, I recollect it; I had it here.
Q. Here is Thomas Corey here ag-in $9280?
A. Well, that was $9,000; that $280 is interest or something.
Q. Frank H. Klaver to Job M. Nash?
A. Yes, I recollect it.
Q. Jane Williams to Job Nash?
A. Yes, I recollect that.
Q. John McLean to Job Nash?
A. Yes, I recollect that too.
Q. Adolph Strobel to Job Nash $5000?
1526 A. Yes, I recollect that.
Q. George Stark?
A. Yes, I recollect that.
Q. Henry Dewar to Job Nash $8500?
A. Yes, I recollect it.
Q. Carey Rankin to Job Nash $1500?
A. Yes, I recollect that.
Q. Edward Beresford $1500?
A. Yes, sir.
Q. Elizabeth C. Andrews, widow $3,000?
A. Yes, I recollect it.
Q. Jacob G. Graf, $2100?
A. Yes, sir.
Q. Ebenezer Kinsey and Susan, $10,000?

A. That is right.
Q. Annie Hall to Job M. Nash, $3500?
A. That is right.
Q. Christian Brockman to James P. Nixon assigned to Nash?
A. Yes, that is correct.
Q. Elizabeth A. Smith to J. L. Smith, 1891, $8,000 and assigned to Job M. Nash?
A. I am not positive about that; I am inclined to think there was such a mortgage.
Q. Joseph G. Cameron, $8,000?
A. There was such a mortgage.
Q. Thomas C. Campbell and Emma Campbell?
A. There was such a mortgage.
Q. Rebecca G. Beresford to Mar-ha Carpenter and assigned to Nash?
A. There was such a mortgage.
Q. Dwight Huntington to Job Nash, $4,000?
1527 A. That is correct.
Q. Annie B. Rankin to Job Nash, $2,000?
A. That is right.
Q. Samantha Keck, $2,000.
A. I recollect that.
Q. Frederick I. Billings to F. J. Mitch and assigned to Nash, $3500?
A. That is correct.
Q. Julia A. Layton and George Layton, $3500 to F. J. Mitchell assigned to Nash?
A. Yes, sir.
Q. Sydney M. Maxwell and Elizabeth Maxwell to Nash, $6,000?
A. I recollect it.
Q. Jennie C. Jones to Nash?
A. I recollect that; there are two of them.
Q. Peter G. Thompson to Nash, $12,000?
A. Correct.
Q. Joseph Cox and Martha G. to Nash, $2500?
A. Correct.
Q. Little Sisters of the Poor corporation to Thomas P. Heath and assigned to Nash, $3,000?
A. That is correct.
Q. E. Brancamp to George Layton and assigned to Nash, $850?
A. That is correct; that is the name Layton.
Q. J. W. Baxter to Nash, $5,000?
A. That is correct.
Q. Frank Huntington to Job Nash?
A. There are quite a number of those.
Q. $6000?
A. Correct.
Q. Frank Huntington to Job Nash, $5,000?
A. Correct.

1528 Q. $5,000 again?

A. Well, now, of course I can not tell how many of those mortgages there were; there was quite a number of them; you will find some of them $1500.

Q. Frank Huntington to Nash another $5,000; you say there was quite a number of them?

A. Quite a number of them.

Q. Here is William Burnet to E. R. Johnson and assigned to Nash?

A. That is an old name that was on the books long before I had charge of them, and it was on the books when he died.

Q. Lizzie J. Young to Job Nash, $4000.

A. That is right; I think we had that once before.

Q. Rukard Hurd $3,000 to Nash?

A. That is right.

Q. Alice Burnet to William B. Burnet and assigned to Nash $2,000?

A. That I had under the name of A. G. Birney; I suppose that is the man; I had that name on the book long before I took charge of them.

Q. Mary J. Lawrence and Edward to Nash, $2500?

A. I recollect it.

Q. F. J. Mitchell and wife to Layton and assigned to Nash, $2,000?

A. Well, there are so many assignments made by Mitchell that I can not answer from memory how many there are, there was a great many.

Q. J. F. Mitchell to George Layton again and assigned to Nash, $2,000?

A. Yes, I recollect there was such a mortgage as that.

Q. F. J. Mitchell and Louisa his wife to G. M. Layton
1529 $1800 and assigned to Dietrich Feldhaus, do you recollect him?

A. I recollect the name.

Q. Frederick, do you remember a paper of that amount $8470?

A. Yes, it was $8,000.

Q. Mary Louise McLaughlin, $3500?

A. Yes, I recollect that very well.

Q. Here is one, 1884, $5,000, was that running at the time of his death?

A. Yes, sir.

Q. Another for $5,000, the date of that is 1890?

A. Four of them were paid off and two are running and were paid into the trust.

Q. $30,000 altogether?

A. Yes, sir.

Q. It was all merged into one note then?

A. Yes, sir.

Q. It seems that the $4,000 notes were cancelled in 1884 and the $5,000 notes were executed at the same time?

A. That would be my judgment; I know he had a loan on the books during my time of $30,000.

Q. Eleanor Vogel?

A. That is the same one you had.

Q. No, it is a $1,000.

A. Well, I recollect her name.

Q. Eleanor Vogel again, $1,000?

A. Yes, sir.

Q. John Carlyle, $10,000?

A. That you have had, one for $10,000 and one for $15,000. I want to state here with reference to that paper that I never
1530 had that paper in my hands except it was sent here for me to make a record of it, and that it the only time I ever had it in my possession, and I returned it immediately upon Mr. Nash's orders because it was expected to be paid off; it was held down there for a number of years in Mr. Goodman's hands, expecting that paper would be paid off, but it run on from year to year and finally Mr. Nash ordered it up here so I could make a record of it, and then my orders were to return it back to Mr. Goodman; I never had it in my possession only to make a record of it.

Q. Jabez Waters to Nash, $4,000?

A. You had that.

Q. George L. Sage to Job Nash, $2500?

A. Yes, I recollect that.

Q. George Sage again $3,000?

A. I recollect the name Sage.

Q. Ella Blanch Mendenhall, and William Mendenhall to Job Nash, $1,000?

A. I recollect that too.

Q. Lewis Thomas to Job Nash $5000?

A. I recollect that too.

Q. Leopold Burkhart to Job Nash, $1620?

A. Yes, I recellect that.

Q. Joseph Colvert, $9,000?

A. You had that.

Q. Elizabeth Thornton to Charles Short, assigned to Nash, $5900?

A. Yes.

Q. Harry West to Job Nash $5500?

A. I recollect it.

1531 Q. A. D. Ashman to F. J. Mitchell, and assigned to Nash, $1800?

A. I recollect that there was such a mortgage.

Q. Sophia Allen to George Layton and assigned to Nash, $5,000?

A. I recollect that there was such a mortgage.

Q. Jesse Busby to F. J. Mitchell, and assigned to Nash $1200?

A. I recollect that.

Q. Jacob Buss to F. J Mitchell and assigned to Nash, $8500?
A. There was such a mortgage; I am making this statement now without regard to amount.
Q. E. P. Bradstreet?
A. Yes, there was a mortgage against Bradstreet.
Q. Bradstreet again $1400?
A. There was such a mortgage.
Q. Henry Fuchs; do you remember that name?
A. Yes, very well: I know there was a mortgage against him.
Q. There is one for $1400, one for $1800, one for $1200 and another for $1200?
A. I know there was mortgages against the parties; I don't just remember the amounts.
Q. A. G. Gray to Mitchell and assigned to Nash, $800?
A. Yes, I recollect that very well.
Q. Geo. D. Holliday to Charles Short and assigned to Nash, $4200?
A. I recollect it.
Q. Henry Krapp to Mitchell, and assigned to Nash?
A. What is the amount of it?
Q. $2000?
1532 A. What is the date of it?
Q. Dated June 12, 1886, cancelled Dec. 12, 1888?
A. I don't recollect it.
Q. F. J. Mitchell to George Layton, $1800?
A. There was a mortgage for $1800.
Q. F. J. Mitchell to George Layton $1200 and assigned?
A. I think you have had that one.
Q. William Moenning?
A. I recollect that name too.
Q. George W. Roth?
A. Yes, I recollect that name.
Q. Barney Rienschneider $700?
A. That is right; I recollect it.
Q. B. D. Radcliff, $2,000?
A. I recollect that too.
Q. B. D. Radcliff $1800; do you recollect that amount?
A. I don't recollect the amount.
Q. W. A. Thompson to F. J. Mitchell and assigned to Nash $1800.
A. There was a mortgage against Thompson, I disremember the amount.
Q. W. A. Thompson again, January 5, 1892, to Charles Short $5,000, not cancelled?
A. My recollection is that those were merged into one grand loan of $10,000 or $12,000; I am not positive.
Q. G. W. Underwood?
A. Yes, I recollect that too.
Q. F. C. Vanansdall?
A. I recollect that too.
Q. J. H. Wetemkamp?

A. I recollect that too.

Q. What do you know about his residence?

1533 A. He said to me a number of times that Westchester, New York, or Westchester county, New York, was his residence, and he told me a number of times that his residence was in Lafayette.

Q. When was the last time he said his residence was in Lafayette?

A. Following the first session of the legislature in which John McHugh was in the State senate.

Q. How did he come to tell you about his residence then?

A. Well, he had been here the previous season visiting, and he told me I was one of his executors and one of his trustees, and the old man died thinking I was one of his executors; we were sitting in the office one day talking about his will, and I asked him if he knew the amount of a bond that his executors would be required to give when he died; he said, "No," I said, "Do you know what you are worth?" He said, "No." I said, "I know pretty well what you are worth." He asked me and I told him; he said, "I guess not." I said, "I know." Says I, "Your executors will have to give bond of nineteen hundred thousand dollars; you tell me I am one of them, but before I would attempt to give a bond that large I would go out on the street to piling stone." Well, he went away, but in that conversation he said to me, "It don't make any difference about the bond; I have a clause in my will to not put my executors or my trustees under a bond." I said, "That won't cut any figure in this State." He said, "I think you are mistaken." I said, No, I am not; Judge Langdon would put every devil of us under bond the first time we went into court." He went away and

1534 came back the next year, but while he was gone I got Charley Stuart to draw a bill, and sent it over to John McHugh to get the legislature to pass a law legalizing a will made in that way, but John failed to get it through; the next year when Mr. Nash came back I told him about it and told him what I had done, and he got very angry, and slapped his hands down on mine, and said, "By God, I will change my residence; I won't live in such a damned State."

Q. That was the last time he ever talked with you about residence?

A. Yes, sir.

Q. That was when?

A. The next summer after McHugh had been in the legislature the first session; that is all I know about his residence.

And further witness saith not.

Cross-examination by Judge LANGDON, counsel for defendants:

9 Q. You say you took the shorthand notes in the examination of Mr. Buck on the occasion named?

A. Yes, sir.

10 Q. Did you make the longhand report of that examination or was it made by somebody else?

A. It was either made by me personally or dictated by me to the typewriter operator, I can't remember.

11 Q. Then whether or not the copy that has been introduced here in evidence is an exact copy of the shorthand notes taken by you on that occasion or not you don't know?

A. I think it is. Even in dictating my familiarity with
1535 the keyboard of the typewriter enables me to observe that the words I dictate are put upon the paper by the operator.

12 Q. That is the way and the manner in which you arrive at the conclusion that it is a true copy of what was *been* taken down?

A. Yes, sir.

13 Q. And no other way?

A. No, sir, no other way.

JOHN R. GLADDEN, recalled by the plaintiff and testified as follows:

Direct examination by Mr. HANLY, counsel for plaintiff:

1 Q. You may state your name?

A. John R. Gladden.

2 —. You are the same John R. Gladden, recorder of Tippecanoe county heretofore sworn and testified in this case?

A. Yes, sir.

3 Q. You may state what record you hold in your hand?

A. Well, to the best of my knowledge it is mortgage record 15, the back is torn off; it is in its proper place between 14 and 15.

4 Q. It is a mortgage record of Tippecanoe county?

A. Yes, sir.

5 Q. And you are the custodian of that book?

A. Yes, sir.

6 Q. Where is it kept?

A. In my office in the recorder's office.

The further taking of these depositions is adjourned at 10 o'clock, August 27, 1901, until Wednesday, August 28, 1901, at 10 o'clock a. m.

1536 LAFAYETTE, IND.,
Wednesday, Aug. 28, 1901—10 o'clock a. m.

The parties met and by agreement the further taking of these depositions is adjoured until Thursday, August 29, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Thursday, Aug. 29, 1901—10 o'clock a. m.

The parties met, present as heretofore, and by agreement the further taking of these depositions is adjourned until Friday, August 30, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Friday, Aug. 30, 1901—10 o'clock a. m.

The parties met, pursuant to adjournment, and by agreement adjourned until Saturday, August 31, at 2 o'clock p. m.

LAFAYETTE, IND.,
Saturday, Aug. 31, 1901—2 o'clock p. m.

The parties met, present as heretofore, and the further taking of these depositions by agreement is continued until Tuesday, September 10, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Tuesday, Sept. 10, 1901—10 o'clock a. m.

The parties met, pursuant to adjournment, present as heretofore. The further taking of these depositions by agreement is continued until Friday morning, Sept. 13, 1901, at 10 o'clock.

1537 LAFAYETTE, IND.,
Friday, September 13, 1901—10 o'clock a. m.

The parties met, pursuant to adjournment. Present as heretofore, and the following agreement is made a part of this record:

It is agreed that there were recorded in the mortgage records of Tippecanoe county, Indiana, the following mentioned mortgages, executed to Job M. Nash at the dates, securing notes for the amounts by the persons respectively named below and that there were satisfactions by releases and payments thereof and judgments, decrees, sales and deeds of conveyances as herein below noted, and the words in said mortgages as to the county, State or place of said Nash, to-wit:

1 By Catherine N. Broadwell to Nash of Tippecanoe county, Indiana, February 3, 1872, $100.00. Released Nov. 24, 1873, by Job M. Nash.

2 By Thomas Carley to Nash of Tippecanoe county, Indiana, August 23, 1873, $1000.00. Released April 11, 1881, by E. H. Andress.

3 By James Smily to Nash of Tippecanoe county, Indiana, August 30, 1873, $2000.00. Released September 13, 1880, Job M. Nash.

4 By Margaret Burkle to Nash of Tippecanoe county, Indiana, September 2, 1873, $1000.00. Released May 8, 1875, by Andress.

5 By John McEnery to Nash of Tippecanoe county, Indiana, September 9, 1873, $3,000.00. Released October 11, 1878, by Andress.

6 By Levi H. Scott to Nash of Tippecanoe county, Indiana, October 1, 1873, $1000.00. Released January 11, 1882, by James McCormick.

1538

7 By Henry Crile to Nash of Tippecanoe county, Indiana, $1500.00, October 20, 1873. Released October 19, 1878, by Andress.

8 By Washington Beemis to Nash of Tippecanoe county, Indiana, $2000.00, May 11, 1874. Released May 11, 1876, by Andress.

9 By Mary A. Ritchey to Nash of Tippecanoe county, Indiana, $2000.00, June 1, 1874. Released June 3, 1876 by Andress.

10 By Thomas Hall to Nash of Tippecanoe county, Indiana, $1000.00, June 2, 1874. Released September 4, 1879, by Andress.

11 By Emeline McGinley to Nash of Tippecanoe county, Indiana, $1000.00, June 19, 1874, released September 4, 1880, by Nash.

12 By Robert S. Johnston to Nash of Tippecanoe county, Indiana, $2000.00, June 29, 1874, foreclosed November 5, 1875, circuit court, Order Book 41, page 569, sold to Nash January 29, 1876, execution docket 16,274, deed to Job M. Nash, January 31, 1877.

13 By Mary A. Straubinger to Nash of Tippecanoe county, Indiana, $1000.00, July 1, 1874, released June 30, by Andress.

14 By James Ball to Nash of Tippecanoe county, Indiana, $4000.00, July 15, 1874, in judgment Tippecanoe circuit court, November 1876, for $3539.00, decree of sale, sold under decree to Nash February 25, 1878, Deed Record 67, page 467.

15 James M. Stockton to Nash of Tippecanoe county, Indiana, $2500.00, January 4, 1874, foreclosure Tippecanoe superior court September term 1877, $3226.00, sold on decree, deed to Nash for $3358.00, November 29, 1878, Deed Record 68, page 432. Released by Andress September 4, 1879.

1539

16 A. S. Hand to Nash of Tippecanoe county, Indiana, $2000.00, August 5, 1874, foreclosure Tippecanoe circuit court May 27, 1877, Order Book 43, page 339, sold for amount of decree to Nash, November 15, 1877, Deed Record 77, page 134.

17 By Ezra Spangler to Nash of Tippecanoe county, Indiana, $1000.00, August 25, 1874, released —— 11, 1876, by Andress.

18 By Johanna B. Miller to Nash of Tippecanoe county, Indiana, $4000.00, August 31, 1874, released September 23 1875, by Nash.

19 By Thomas Dobbins to Nash of Tippecanoe county, Indiana, $600. September 8, 1874, released May 8, 1877, by Andress.

20 By Herman Schaible to Nash of Tippecanoe county, Indiana, $2000.00 September 24, 1874, foreclosed June 10, 1879, Order Book 15, page 281, Tippecanoe circuit court, sold to Nash for judgment, deed July 20, 1880, Deed Record, 71, page 517.

21 By Michael Gipe to Nash of Tippecanoe county, Indiana, $1770.00 October 30, 1874, released October 30, 1877 by Nash.

22 By Adolphus Marx to Nash of Tippecanoe county, Indiana $1000.00 November 7, 1874, judgment November 8, 1887, Tippecanoe superior court, Order Book 21, page 204, assigned to Philip Rodgers November 30, 1887.

23 By Sarah Westlake to Nash of Tippecanoe county, Indiana $1500.00, November 9, 1874. Released June 16, 1880 to Nash.

1540

24 By Mary Headson to Nash of Tippecanoe county, Indiana, $1200.00, December 10, 1874. Released December 10, by Andress.

25 By Charles Miller to Nash of Tippecanoe county, Indiana $1000.00, December 14, 1874. Released December 11, 1877, by Nash.

26 By Thomas and Anna Carley to Nash of Tippecanoe cou-ty Indiana $1000.00, December 18, 1874. Released April 11, 1881, by Andress.

27 By A. G. Sensenbaugh to Nash of Tippecanoe county, Indiana, $600.00, December 26, 1874. Released February 11, 1879, by Andress.

28 By J. E. Hannegan to Nash of Tippecanoe county, Indiana $300.00, January 11, 1875. Released January 12, 1876, by Andress.

29 By Robert Hine to Nash of Tippecanoe county, Indiana, $6000.00, January 14, 1875, deed for debt by Hine and wife to Nash November 12, 1877, Deed Record 67, page 120.

30 By Henry Berg to Nash of Tippecanoe county, Indiana, $500.00, January 20, 1875, foreclosed sold for amount of decree; deed to Nash July 26, 1880.

31 By Charles Kuhlencamp to Nash of Tippecanoe county, Indiana, $1000.00, February 15, 1875. Released Feb. 17, by Andress.

32 By Margaret Bennewitz to Nash of Tippecanoe county, Indiana, $1000.00 February 17, 1875, foreclosed February 25, 1880, Tippecanoe circuit court, Order Book 52, page 419, sold to Nash for amount of decree; deed October 12, 1881, Deed Record 74, page 129.

33 By James Henderson to Nash of Tippecanoe county, Indiana, $1980.00, February 8, 1875. Released December 5, 1878, by Andress.

1541

34 By William W. Grove to Nash of Tippecanoe county, Indiana, $2000.00, February 8, 1875, foreclosed Tippecanoe superior court January 9, 1879, sold on decree to Nash for amount of judgment; deed to Nash March 4, 1880, Deed Record 71, page 2-3.

35 By Henry Hall to Nash of Tippecanoe county, Indiana, $10,000.00 February 8, 1875. Deed for debt by Hall June 16, 1879. Released same date by Andress.

36 By Anna G. Kumler, March 2, 1875, to Nash of Tippecanoe county, Indiana, $1000.00, being the same mortgage mentioned in notice of auditor as A. L. Kumler. Released March 24, 1891, by James Buck.

37 By William Baldridge to Nash of Tippecanoe county, Indiana, $2000.00, March 12, 1875. Released September 30, 1876, by Andress.

38 By John E. Eitel to Nash of Tippecanoe county, Indiana, $3500.00, March 27, 1875. Released March 11, 1876, by Andress.

39 By George Cockrell to Nash of Tippecanoe county, Indiana, $300.00 March 24, 1875. Released November 4, 1876, by Nash.

40 By Noah J. Stingley to Nash of Tippecanoe county, Indiana, $3000.00, April 19, 1875, foreclosure October 10, 1879, Tippecanoe circuit court, sold for amount of judgment; deed to Nash February 17, 1881, Deed Recorded 72, page 531.

41 By George S. & John G. Brown to Nash of Tippecanoe county, Indiana, $1000.00, March 7, 1875. Released May 6, 1878, by Andress.

42 By Samuel S. Blacker to Nash of Tippecanoe county, Indiana, $700.00, May 19, 1875. Released March 18, 1880, by Andress.

43 By George A. Rinard to Nash of Tippecanoe county, Indiana, $475.00, May 20, 1875. Released December 14, 1878, by Nash.

1542

44 By T. S. & F. S. Crapp to Nash of Tippecanoe county, Indiana, $700.00, June 1, 1875. Released by Buck.

45 By John T. Martin to Nash of Tippecanoe county, Indiana, $400.00, March 21, 1875. Released October 2, 1877, by Andress.

46 By Sarah & J. N. Armstrong to Nash of Tippecanoe county, Indiana, $500.00, June 16, 1875. Released August 30, 1878, by Andress.

47 By John W. Wall to Nash of Tippecanoe county, Indiana, $1500.00, June 22, 1875, forclosure decree December 22, 1879, Tippecanoe circuit court, $1900.65, January 10, 1880, order of sale.

1543 March 20, 1880, bid $1400.00; deed to Nash April 27, 1881, Deed Record 73, page 245. Land sold for taxes February 20, 1880, to Sampson Reed for tax 1878, 1879; assignment of certificates of tax sale to J. M. Nash March 31, 1880; deed to Nash February 21, 1882, Deed Record 75, page 555; judgment and decree, State use of Waugh, drainage commissioner, for Montgomery county, Indiana, against Mary E. Wall and Job M. Nash for $125.50, Tippecanoe superior court, September term; copy of decree to sheriff September 19, 1888, sold to E. T. Jones, for $198.25; certificate of sale October 1888 to Jones; certificate assigned by Jones to Nash December 31, 1888; deeded to Nash for $198.25, by sheriff, December 17, 1889, Sheriff's Deed Record 1, page 67; deed of Mary E. Wall, widow of John W. Wall, to Job M. Nash for $350.00 December 26, 1888 Deed Record 90, page 128.

48 By G. S. & J. G. Brown to Nash of Tippecanoe county, Indiana, $1200.00, July 7, 1875. Released January 5, 1880, by Nash.

49 By Adolph Cors to Nash of Tippecanoe county, Indiana, $700.00, July 27, 1875, foreclosure sold to Nash and deed July 26, 1880, Record 72, page 511.

50 By George Munea to Nash of Tippecanoe county, Indiana, $650.00 August 2, 1875 released August 6, 1883 by Buck.

51 By Hannah C. Wagner to Nash of Tippecanoe county, Indiana, $500.00, September 6, 1875. Released October 27, 1881, by McCormick.

52 By Mary & John Egan to Nash of Tippecanoe county, Indiana, $1000.00, October 4, 1875; assigned September 29, 1881, to J. G. Stowell, Record 28, page 523.

53 By C. Cormack to Nash of Tippecanoe county, Indiana, $1300.00 October 28, 1875; foreclosed Tippecanoe circuit court, July 7, 1879; sold on decree to Nash; deed to Nash August 16, 1880, Record 71, page 572.

1544

54 By E. B. Glick to Nash of Tippecanoe county, Indiana, $2000.00, December 1, 1875. Released May 25, 1878 by Andress.

55 By John & David Crider to Nash of Tippecanoe county, Indiana, $1000.00, December 16, 1875; foreclosed June 16, 1879; judgment $1165.31. Order of sale sold to Nash, $1229.81; deed to Nash July 28, 1880, Record 71, page 520.

56 By Martha J. Todd to Nash of Tippecanoe county, Indiana, $600.00, December 22, 1875. Released January 23, 1890 by Buck.

57 By Thomas M. Smith to Nash of Tippecanoe county, Indiana, $2500. December 23, 1875. Released March 7, 1879, by Chute clerk of Tippecanoe county.

58 By Thomas Carley to Nash of Tippecanoe county, Indiana, $1000.00 January 28, 1876. Released July 2, 1878 by Andress.

59 By John E. Eitel to Nash of Tippecanoe county, Indiana, $1200.00, February 4, 1876. Foreclosed Tippecanoe superior court, July 21, 1879; sold to Nash, $1575.00, September 20, 1879; deed to Nash September 22, 1880, Record 72, page 18.

60 By W. Z. Martin to Nash of Tippecanoe county, Indiana, $500.00, February 4, 1876; judgment April 6, 1880, Order Book 9, page 592, Tippecanoe superior court, May 12, 1881, Nash receipted order book; sold to Nash on foreclosure May 22, 1881; redeemed May 22, 1881.

69 By Marcellus Rawles to Nash of Tippecanoe county, Indiana, $1200.00 February 5, 1876; judgment Tippecanoe superior court June 19, 1879; sold on order of sale, July 26, 1879, and deed to Nash July 28, 1880, Record 71, page 522.

62 By Charlotte S. Taylor to Nash of Tippecanoe county, Indiana $600.00, February 24, 1876. Released December 8, 1880, by clerk of court, James Chute.

1545

63 By Joseph Beck to Nash of Tippecanoe county, Indiana, $1750.00, March 11, 1876. Released April 15, 1879, by Andress.

64 By Anderson M. Moore to Nash of Tippecanoe county, Indiana, $1400.00, March 11, 1876; foreclosed May 26, 1879, Order Book 51, page 214; sold on decree; deed to Nash July 10, 1880, Record 71, page 488.

65 By Eliz. Parker to Nash of Tippecanoe county, Indiana, $500.00, March 17, 1876. Released February 12, 1877, by Andress.

66 By A. P. Perkins to Nash of Tippecanoe county, Indiana, $700.00, May 1st, 1876. Released April 25, 1882, by McCormick.

67 By Cephas Coleman to Nash of Tippecanoe county, Indiana, $100.00, May 6, 1876. Released May 10, 1880, by Nash.

68 By Wm. C. Harter to Nash of Tippecanoe county, Indiana, $650.00, May 9, 1876. Released March 20, 1877, by Andress.

69 By Will Hammond to Nash of Tippecanoe county, Indiana, $1000.00, May 13, 1876. Released June 15, 1881, by Andress.

70 By Harvey J. Hornaday to Nash of Tippecanoe county, Indiana, $600.00, June 5, 1876. Released June 2, 1883 by Buck.

71 By Frank H. Curtis to Nash of Tippecanoe county, Indiana, $5000.00, June 6, 1877; paid on principal June 17, 1879, $1750.00, paid on principal June 25, 1880, $2150.00; total $3900.00; balance $1100.00, released April 15, 1885 by Buck.

72 By Walter Wade to Nash of Tippecanoe county, Indiana, $400.00, June 24, 1876. Released April 22d, 1878, by Andress.

73 By Anderson M. Moore to Nash of Tippecanoe county, Indiana, $800.00, July 5, 1876; foreclosed May 26, 1879, Order Book 51, page 214; sold on decree to Nash and deed to him July 10, 1880, Record 71, page 488.

74 By William H. Blizzard to Nash of Tippecanoe county, Indiana, $600.00, July 20, 1876, released June 14, 1882, by Nash.

1546

— By Abner Storms, to Nash of Tippecanoe county, Indiana, $1100.00 July 22, 1876, N. W. ¼ S. W. ¼ 6–21–3; released June 10, 1879, released December 6, 1882, by Buck.

76 By George W. Armsey to Nash of Tippecanoe county, Indiana $400.00, July 29, 1876. Released March 15, 1877, by Andress.

77 By A. H. Moore to Nash of Tippecanoe county, Indiana, $1000.00, July 27, 1876; foreclosed May 26, 1879, Order Book 51, page 214; sold on decree and deed to Nash July 10, 1880 Record 71, page 488.

78 By Lawrence F. Clark to Nash of Tippecanoe county, Indiana, $800.00, August 4, 1876. Released October 1, 1880, by Andress.

79 By George C. Hadley to Nash of Tippecanoe county, Indiana, $2000.00, August 9, 1876. Released April 25, 1881, by Nash.

80 By Cornelius Cormack to Nash of Tippecanoe county, Indiana, $400.00, September 1, 1876; foreclosed, sold, deed to Nash August 16, 1880, Record 71, page 572.

81 By Gertrude Herbert to Nash of Tippecanoe county, Indiana, $650.00, September 11, 1876, foreclosed June 25, 1881; Order Book 11, page 298; sold on decree November 12, 1881; Execution Docket 4, page 473; released by clerk of court, March 24, 1882.

82 By Lewis Wright to Nash of Tippecanoe county, Indiana, $700.00, September 16, 1876; released November 29, 1882, by Buck.

83 By Martha Brutus to Nash of Tippecanoe county, Indiana, $650.00, September 16, 1876. Released July 10, 1879, by Andress.

84 By Ephraim J. Smith to Nash of Tippecanoe county, Indiana, $1000.00, September 22, 1876. Released June 10, 1879, by Andress.

85 By Mary A. & D. P. Wortman to Nash of Tippecanoe county, Indiana, $500.00, September 30, 1876, released October 6, 1879, by Nash.

1547

86 By Chester P. Winters to Nash of Tippecanoe county, Indiana $2100.00, September 30, 1876, released October 10, 1878, by Andress.

87 By Mary E. & E. H. Andress to Nash of Tippecanoe county, Indiana, $5000.00, October 24, 1876. Released September 2, 1886.

88 By George Cockrell to Nash of Tippecanoe county, Indiana, $1400.00, November 4, 1876. Released September 11, 1879, by Chute, clerk of court.

89 By William Sidenbender to Nash of Tippecanoe county, Indiana $1859.78, October 7, 1876. Released before October 30,

1880; release attested by Wilgus recorder, whose term of office expired October 30, 1880.

90 By Benjamin A. Cornell to Nash of Tippecanoe county, Indiana $1000.00, January 10, 1877. Released by Chute, clerk of court, March 30, 1880.

91 By G. W. Miller to Nash of Tippecanoe county, Indiana, $1000.00, March 28, 1877, released March 24, 1880, by Andress.

92 By Nancy Ramey to Nash of Tippecanoe county, Indiana, $1000.00, March 29, 1877. Released by Chute, clerk of court August 5, 1880.

93 By William C. Harter to Nash of Tippecanoe county, Indiana $1150.00, March 30, 1877. Released April 5, 1881, by Andress.

94 By John J. Peters to Nash of Tippecanoe county, Indiana, $1000.00 May 16, 1877. Released November 20, 1883, by Buck.

95 By Josephine Pampel to Nash of Tippecanoe county, Indiana, $1500.00, May 28, 1877. Released May 22, 1879 by Andress.

96 By Truxton Head to Nash of Tippecanoe county, Indiana, $1500.00, July 13, 1877. Released July 13, 1880, by Nash.

97 By Mary A. Waldron to Nash of Tippecanoe county, Indiana, $2000.00, July 21, 1877. Released June 11, 1881, by Nash.

1548

98 By H. C. Wagstaff to Nash of Tippecanoe county, Indiana, $2000.00, July 30, 1877. Released August 1, 1879, by Andress.

99 By William H. Springate to Nash of Tippecanoe county, Ind., $5000.00, September 3, 1877. Released September 4, 1882 by Nash.

100 By George Westfall to Nash of Tippecanoe county, Indiana, $500.00, September 11, 1877. Released September 11, 1878 by Andress.

101 By William K. Fairman to Nash of Tippecanoe county, Indiana $700.00, September 13, 1877. Released July 31, 1879, by Andress.

102 By Joseph T. Martin to Nash of Tippecanoe county, Indiana, $600.00, October 2, 1877. Released September 2, 1881, by James McCormick.

103 By John S. Williams to Nash of Tippecanoe county, Indiana, $4322.10, October 6, 1877. Foreclosed Tippecanoe circuit court, October 10, 1879, $5746.40; sold under decree November 15, 1879, to Nash, $3500.00; certificates of sale to Nash, November 15, 1879, entitling Nash to deed on November 15, 1880; deed executed by sheriff June 27, 1881.

104 By Lawrence F. Clark to Nash of Tippecanoe county, Indiana, $1000.00, October 4, 1877; released October 9, 1880, by Nash.

105 By Frederick J. Johnson to Nash of Tippecanoe county, In-

diana, $3000.00. October 10, 1877. Released October 13, 1879, by Andress.

106 By Joseph G. Cgeesman to Nash of Tippecanoe county, Indiana $1500.00, December 29, 1877. Released December 16, 1880, by Andress.

107 By Thomas Aylward to Nash of Tippecanoe county, Indiana, $2500.00, December 31, 1877. Released January 13, 1881, by Chute, clerk of court.

1549

108 By Allen Bryan to Nash of Tippecanoe county, Indiana, $1000.00, January 2, 1878; assigned to Elijah W. Coe, July 27, 1881.

109 By John Rawles to Nash of Tippecanoe county, Indiana $3000.00, July 19, 1878. Released January 19, 1880, by Andress.

110 By George Marker to Nash of Tippecanoe county, Indiana, $1250.00, March 23, 1878. Released December 20, 1878 by Nash.

111 By Patrick Vaughn to Nash of Tippecanoe county, Indiana, $800.00, May 1, 1878. Released April 6, 1885, by Buck.

112 By Harrison Jackson to Nash of Tippecanoe county, Indiana, $500.00, September 11, 1878. Released September 11, 1879, by Andress.

113 By James Ennis to Nash of Tippecanoe county, Indiana, $4500.00, March 1, 1879. Paid March 2, 1882, $827.20, and satisfied of record, and balance $3433.00 left; which was released October 19, 1893, by Nash's executors.

114 By Josephine Pampel to Nash of Tippecanoe county, Indiana, $1800.00, May 22, 1879. Released by the executors of Nash, March 19, 1894.

115 By Truxton Head to Nash of Tippecanoe county, Indiana, $800.00, July 13, 1880. Released August 10, 1880 by Buck.

116 By L. F. Clark to Nash of Tippecanoe county, Indiana, $1000.00, October 4, 1880. Released April 1, 1882, by McCormick.

117 By Joseph Beck to Nash of the county of Westchester, State of New York, $1300.00, July 26, 1881. Released July 24, 1883, by Buck.

118 By J. Bartley to Nash of the county of Winchester, State of New York, $700.00, March 6, 1882. Released August 12, 1884, by Buck.

119 By Jacob Davis to Nash of New York, $2666.65, November 20, 1882. Released April 16, 1886, by Buck.

1550

120 By A. & W. L. Airhood to Nash of the county of Westchester State of New York, $933.00, March 5, 1883. Released, February 5, 1886, by Buck.

121 By Mark Crider to Nash of Westchester county, New York, $600.00, April 12, 1883. Released March 9, 1887 by Buck.

122 By Thomas McKone to Nash of Westchester county, New York, $1500, November 26, 1883. Released February 18, 1885 by Buck.

123 By Newton O. Borum to Nash of Westchester county, New York, $1500.00, January 10, 1884. Released October 4, 1887, by Buck.

124 By John B. Shelby to Nash of Westchester county, New York, $4000.00, April 16, 1885; assigned by Nash's executors October 31, 1893; released by assignee, November 17, 1897.

125 By Asa Markel to Nash of Tippecanoe county, Indiana, $3700.00, January 29, 1897. Released January 13, 1891, by Buck.

126 By Charles Jones to Nash of Tippecanoe county, Indiana, $10,000.00, July 20, 1887; February 28, 1891, paid $4600.00, released by Nash's executors March 24, 1894.

127 By Newton O. Borum to Nash of Tippecanoe county, Indiana, $1000.00, November 12, 1887. Released, January 7, 1890, by Buck.

128 By John Layden to Nash of Tippecanoe county, Indiana, $2500.00, November 29, 1888. Released August 20, 1892, by Buck.

129 By Milton Morin to Nash of Tippecanoe county, Indiana, $1333.20, December 16, 1889. Released by Nash's executors July 18, 1894.

130 By Newton O. Borum to Nash of Tippecanoe county, Indiana, $1300.00, January 1, 1890. Released August 29, 1893, by Nash's executors.

1551

131 By David S. Flaugher to Nash of Tippecanoe county, Indiana, $2600.00, February 26, 1891, released March 1, 1893, by Buck.

132 By Charles Turner to Nash of New York State, $1450.00, October 20, 1891, released December 5, 1895, by Buck.

133 By Susan Meek to Nash of New York county, State of New York, $1850.00, January 13, 1892. Released by Nash's trustees, October 8, 1894.

134 By John C. Greenberg to Nash of New York county, New York, $5000.00, February 23, 1892. Released February 23, 1894, by Nash's trustees.

135 By James P. O. Johnson to Nash of New York county, New York, $550.00, March 2, 1892. Released by Nash's trustees, March 16, 1895.

136 By John I. Cutrell to Nash of New York county, New York, $1650.00, March 16, 1892. Released by St. John's church as legatee of Nash, October 17, 1895.

137 By George W. Miller to Nash of New York county, New York, $1000.00, October 1892. Released by Nash's trustees, October 28, 1897.

138 By Patrick Vaughn to Nash of New York county, New York, $2500.00, October 22, 1892. Released by Nash's trustees, June 12, 1896.

139 By D. S. Flaugher to Nash of New York county, New York, $1500.00, March 6, 1893, $1500.00. Released by Nash's trustees, August 3, 1895.

HANLY & WOOD,
Att'ys for Pl'ff,
W. B. LANGDON,
Att'y for Def't.

1552 It is agreed that the order in which the evidence has been introduced by the parties is by agreement of the parties.

Thereupon the further taking of these depositions is adjourned until Saturday, September 14, 1901, at 2 o'clock p. m.

LAFAYETTE, INDIANA, September 14, 1901—2 o'clock p. m.

Parties met pursuant to adjournment. Present as heretofore. By agreement the further taking of these depositions is adjourned until Tuesday, September 17, 1901, at 10 o'clock a. m.

LAFAYETTE, IND., Tuesday, Sept. 17, 1901—10 o'clock a. m.

The parties met pursuant to adjournment. Present as heretofore. By agreement of parties the further taking of these depositions is continued until 3 o'clock p. m. Tuesday, September 17, 1901.

LAFAYETTE, IND., Tuesday, Sept. 17, 1901—3 o'clock p. m.

Come the parties as heretofore and the following proceedings are had. The following agreement is made a part of this record.

It is agreed that there were recorded in the mortgage records of Benton county, Indiana, the following mentioned mortgages, executed to Job M. Nash, at the dates, securing notes for the amounts, by the persons respectively named below, and that there were satisfactions by releases and payments thereof mentioned below, and the words in said mortgages as to the county, State, or place of said Nash, to-wit:

By Adam D. Raub, to Nash of Tippecanoe county, State of Indiana, November 20th, 1868, $10,000.00, on the undivided half of the following described land in Benton county, Indiana, to-wit:

1553 All of section seventeen (17), except south west quarter of southwest quarter of said section.

All of section eighteen (18) except south half of south east quarter of said section. All of section nineteen (19), except the south east quarter of the south east quarter of said section. The north west quarter of the north west quarter of the north east quarter, and the south half of the north east quarter of section twenty (20); the north east quarter of the north west quarter of section twenty-nine (29), and the north half of the north east quarter, and the south

west quarter of the south west quarter, and the east half of the south east quarter of said section twenty-nine (29); all of sections thirty (30), except north east quarter of the north east quarter; and all of sections thirty-one (31) and thirty-two (32) all in township (26) north, range eight (8) west.

The north half of the north east quarter, south east quarter of the north east quarter, south east quarter of the north west quarter, and the entire south half of section thirteen (13). The north half of section twenty-two (22); all of section twenty-three (23) except the east half of the south east quarter of said section. All of section twenty-four (24), except the west half of the south west quarter of said section, all in township twenty-six (26) north range nine (9) west.

Release executed in Tippecanoe county by Nash, October 10, 1874, of all that part of the south west quarter of section twenty-three (23), in township twenty-six (26) north, range nine (9) west, in said Benton county, upon which is laid out and recorded the
1554 plat of the town of Earl Park.

Release October 27th, 1876, by E. H. Andress, of the following land described in said mortgage,—the south east quarter of the north west quarter, the north half of the north west quarter, and the east half of the south west quarter, all in section thirteen (13), in township twenty-six (26) north, range nine (9) west.

Release February 18th, 1875, by E. H. Andress, of the following land described in said mortgage, to-wit:—Section seventeen (17) except the south west quarter of the south west quarter and section eighteen (18), except south half of the south east quarter, all in township twenty-six (26) north, range eight (8) west.

Release November 22, 1875, by Andress, of following land described in said mortgage, to-wit: All of section nineteen (19), (except the south east quarter of the south east quarter of said section), the north west quarter, and the north west quarter of the north east quarter, and south half of the north east quarter of section twnety (20). The north east quarter of the north west quarter of section twenty-nine (29); the north half of the north east quarter, and the south west quarter of the south west quarter, and the east half of the south east quarter of said section twenty-nine (29). All of section thirty (30), (except the north east quarter of the north east quarter) all in township twenty-six (26) north, range eight (8) west. Also the south west quarter of section twenty-three (23) in township twenty-six (26) north, range nine (9) west.

For value received, I, Edgar H. Andress, attorney in fact, for Job M. Nash, do hereby release from the lien of this mortgage, the following land, to wit:

1555 The first two tracts described in said mortgage being the entire of section seventeen (17), (except the south west quarter of the south west quarter), and the entire section eighteen (18), (except the south half of the south east quarter), all in township twenty-six (26) north, range eight (8) west.

Witness, my hand and seal, this 18th day of February, A. D., 1875.

JOB M. NASH,
By E. H. ANDRESS,
His Attorney in Fact. [SEAL.]

Attest: ISAAC H. PHARES, R. B. Co.

(Recorded on page 599 on Book 2, immediately below mortgage.)

The following described tracts of land named in the foregoing mortgage, to-wit:

All of section nineteen (19), (except the south east quarter of the south east quarter of said section). The north west quarter and the north west quarter of the north east quarter, and south half of the north east quarter of section twenty (20). The north east quarter of the north west quarter of section twenty-nine (29). The north half of the north east quarter and the south west quarter of the south west quarter and the east half of the south east quarter of said section twenty-nine (29), all of section thirty (30), (except the north east quarter of the north east quarter), all in township twenty-six (26) north, range eight (8) west. Also the south west quarter of section twenty-three (23), in township twenty-six (26)—range
1556 nine (9) west, are hereby released from the lien created by the above and foregoing mortgage.

Witness, my hand and seal, this 22nd day of November, 1875.

JOB M. NASH,
By E. H. ANDRESS,
His Attorney in Fact.

Attest: ISAAC H. PHARES, R. B. Co.
(R. Book 2 page 599 bottom.)

STATE OF INDIANA, } ss:
Benton County, }

Personally appeared before me, Simon F. Carter, clerk of the circuit court within and for said county and State aforesaid E. H. Andress, attorney in fact for J. M. Nash, and acknowledges the execution of the above release.

In witness whereof, I have hereunto set my hand and affixed the seal of said court at Fowler, this 27th day of October, A. D., 1876.

SIMON F. CARTER, Clerk,
COL. J. TEMPLETON, Dept.

Recorded October 27th, 1876, at 4 o'clock p. m.

ISAAC H. PHARES, Rec. B. Co.

(Book 7—page 546.)

I, Job M. Nash, of Tippecanoe county, Indiana, mortgagee in a certain mortgage made by Adams D. Raub, November 20th, 1868, upon the south west quarter and the north west quarter of the south east quarter of section eighteen (18) township twenty-six (26) north of range eight (8), in Benton county, in said State among other lands which is recorded in Mortgage Record No. 2, at page 598 and 599 in the recorder's office at last said county, hereby certify that the lands above particularly described have been duly re-
1557 leased from the lien of said mortgage and that the partial release of said mortgage whereby said above particularly described lands purported to be released by *D*dgar H. Andress, my attorney, in fact on or about the 18th of February 1875, is hereby ratified, approved and confirmed.

Witness my hand and seal this 20th day of November, 1877.

JOB M. NASH.

Personally appeared before me, Job M. Nash, who acknowledged the above to be his act and deed for the purposes therein specified.

Witness my hand and notorial seal, this 20th day of November, 1877.

NAT. S. WOOD,

[L. S.] Notary Public of Tippecanoe County, Indiana.

(Book 9, page 220)

Recorded November 20th, 1877, at 2 o'clock p. m.

This certifies that a certain mortgage executed by Adams D. Raub to Job M. Nash and duly recorded in the records of mortgages of Benton county in the State of Indiana, in Record No. 2 on page 598 has been fully paid and satisfied and the same is hereby released.

Witness my hand and seal, this 9th day of August, A. D. 1883.

JOB M. NASH,
By JAMES BUCK,
His Attorney in Fact.

STATE OF INDIANA, }
Tippecanoe County, } *ss:*

I, Will A. Stuart a notary public, in and for said county and State do certify that Job M. Nash by James Buck his attorney
1558 in fact, well known to me to be the person named in and who acknowledged the execution of the same.

Witness my hand and notorial seal, this 9th day of August, A. D. 1883.

[L. S.] WILL V. STUART,
Notary Public.

Recorded August 10th, 1883, at 8 o'clock a. m.

NEWTON SHEETZ,
Recorder B. Co.

(On Face of Original Mortgage Book 2, Page 598.)

By Adams Earl and wife to Nash, of Westchester county, in the State of New York, August 29th, 1883, $5,000.00.

Assigned by executors of Nash to James Buck and W. A. Goodman, trustees, January 1, 1894.

Released January 4th, 1897, by said trustees.

By Minerva S. Fowler, and William F. Fowler, of Tippecanoe county, Indiana, to Nash, of Westchester county, in the State of New York, October 15th, 1885, $27,000.00. Assigned by Nash's executors to said Buck & Goodman, as trustees, January 1, 1894. Released April 10, 1894, by said trustees.

By Adams Earl and wife to Nash of Westchester county, in the State of New York, November 25, 1885 $6000.00. Assigned by said Nash's executors to said trustees, Buck and Goodman, January 1, 1894. Released by said trustees, January 6th, 1897.

By David Shankland and wife to Nash of New York city, in the State of New York, October 1, 1891. $3200.00. Assigned by
1559 said executors of Nash's will, to said trustees, Buck & Goodman, January 1, 1894. Released by said trustees, October 5, 1896.

1560 By James Sheedy and wife to Nash, of Tippecanoe county, in the State of Indiana, February 22, 1892, $2400.00. Assigned by Nash's executors to Thomas J. Nash, October 31, 1893.

Released by Thomas J. Nash, February 9th, 1898.

By Francis Duchame and wife, to Nash, of —— county, in the State of ——, November 25, 1892, $2250.00. Assigned by Nash's executors, January 1, 1894, to Buck and Goodman, trustees. Released by said trustees, February 6th, 1894.

By Caroline White to Nash, of —— county, in the State of ——, December 1, 1892, $2000.00, and assigned by Nash's executors to Frances V. Nash, January 6, 1893. Released by Frances V. Nash, December 9, 1897.

By Lydia Fisher to Nash, of —— county, in the State of ——, November 26, 1892, $4000.00. Assigned by Nash's executors to Thomas J. Nash, October 31, 1893. Released by Thomas J. Nash, November 29, 1897.

By Joel Shirk and wife, to Nash, of —— county, in the State of ——, December 20, 1892, $1100.00. Assigned by Nash's executors to T. J. Nash, October 31, 1893. Released by assignee, December 22, 1894.

By John Cassidy and wife, to Nash of —— county, in the State of ——, January 31, 1893, $1500.00. Assigned by Nash's executors to Buck & Goodman, trustees, October 31, 1893.

Released by said trustees, February 7, 1898.

By Vinson L. Harkrider and wife, to Nash, of Tippecanoe county, State of Indiana, February 23, 1893, $2000.00. Assigned by Nash's executors to wardens and vestrymen of St. John's Episcopal church of Lafayette, Indiana, September 18, 1893. Assigned by said
1561 wardens and vestrymen of said church to Margaret M. and Frances H. Favorite, February 23, 1894.

Released March 1, 1898, by said assignees, Favorites.

By David H. Fullerton and wife, to Nash, of —— county, in the State of Ohio, February 15, 1893, $2000.00. Assigned by Nash's executors to the wardens and vestrymen of said St. John's Episcopal church, to Margaret M. Favorite and Frances H. Favorite, January 18, 1894. Released by said assignees, Margaret and Frances, February 26, 1898.

By Oliver H. Smith and wife, to Nash, of New York county, State of New York, March 8, 1893, $2500.00. Assigned by Nash's executors to Florence A. Victor, October 2, 1893. Released by said assignee April 12, 1898.

By James Shackleton and wife, to Nash, of Tippecanoe county, State of Indiana, March 10, 1893, $1500.00. Assigned by Nash's executors to T. J. Nash, October 31, 1893.

By Elmer E. Shankwiler and wife, to Nash, of Tippecanoe county, State of Indiana, March 10, 1893, $1500.00. Assigned by Nash's executors to T. J. Nash, October 31, 1893. R-leased February 21, 1898, by said assignee.

By Laura Smalley and husband, to Nash, of Tippecanoe county, State of Indiana, March 11, 1892, $1650.00. Assigned by Nash's executor's to T. J. Nash, October 31, 1893. Released by said assignee March 20, 1898.

By Lewis H. Atkinson and wife, to Nash, of New York county, State of New York, June 21, 1893, to Bessie Coffroth. Released by said assignee, June 20, 1898.

By Margaret E. Pearce and husband, to Nash of Tippecanoe county State of Indiana, March 10, 1893, $1800.00. Assigned *to* Nash's executors, to said Buck & Goodman, trustees, January 1, 1894.

Released by said trustees, March 14, 1898.

1562 By Daniel A. Mulcahy and wife to Nash, of New York city, State of New York, June 20, 1893, $2200.00. Assigned by Nash's executor's to Florence A. Victor, October 2, 1893. Released by said assignee, May 31, 1898.

By Richard Haley to Nash, of New York city, June 20, 1893, $900.00. Assigned by Nash's executors to rectors, wardens and vestrymen of St. John's Episcopal church of Lafayette, Indiana, September 18, 1893. Assigned by said wardens and vestrymen of St. John's Episcopal church, of Lafayette, Indiana, to Margaret M. and Frances H. Favorite, January 20, 1894. Released by said Margaret and Frances, June 28, 1898.

By William Donahue, to Nash of Kings county, State of New York, July 8, 1893, $1000.00. Assigned by Nash's executors to William R. Coffroth, September 11, 1893. Released by said assignee, May 31, 1895.

HANLY & WOOD,
Att'ys for Pl'ff.
B. W. LANGDON,
Att'y of Def't.

It is agreed that there were recorded in the mortgage records of White county, Indiana, the following mentioned mortgages, to Job M. Nash, executed by the persons respectively, and for the amounts mentioned below, and that there were satisfactions by releases and payments thereof, and by judgments, decrees, sales and deeds of conveyance, as herein below noted, and the words in said mortgages as to the county, State, or place of said Nash, to-wit:

By J. C. Garrott and wife, to Nash, of Tippecanoe county, Indiana, February 9, 1872, $1250.00. Released by Andress, December 13, 1875.

By Jacob Raub and wife, to Nash, of Tippecanoe county,
1563 Indiana, October 21, 1872, $3000.00. Released by release executed in Lafayette, Indiana, by Nash, November 20, 1877.

By J. E. Ranier, to Nash, of Tippecanoe county, Indiana October 25, 1872, $1100.00. Released by release executed by Nash, October 24, 1878.

By Cormical Hays, to Nash, of Tippecanoe county, Indiana, July 6th, 1874, $1776.38. Foreclosed, purchased by Nash for amount of decree, and deed August 21, 1878.

By Samuel Ramey to Nash, of Tippecanoe county, Indiana March 24, 1875, $500.00. Foreclosed, purchased by Nash for amount decreed, and deed to Nash, November 23, 1880.

By John Alkire, to Nash, of Tippecanoe county, Indiana, July 8th, 1875, $1200.00. Released by release executed by Nash, August 19, 1880.

By Job M. Brown, to Nash, of Tippecanoe county, Indiana, July 25, 1871, $2000.00. Released by Andress, April 9, 1880.

By John H. Alkire, to Nash, of Tippecanoe county, Indiana, August 16, 1880, $700.00. Released by Buck, November 23, 1882.

HANLY & WOOD,
Att'ys for Pl'ff.
B. W. LANGDON,
Att'y for Def't.

THOMAS S. CRAPP being first duly sworn testified as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. State your name to the commissioner?
A. Thomas S. Crapp.
2 Q. Where do you reside?
A. Waynetown, Indiana.

3 Q. You may state whether or not you formerly resided
1564 at the city of Lafayette?

A. Yes, I reside in Lafayette.
4 Q. When did you move from Lafayette, if you did?
A. 1888.

5 Q. How long were you a resident here about?
A. From 1847 to 1888.
6 Q. Have you a brother living in this city?
A. Yes, sir.
7 Q. What is his name?
A. Frank S. Crapp.
8 Q. Did you and your brother execute a mortgage ever to Job M. Nash?
A. Yes, sir.
9 Q. Do you recollect about when it was?
A. I think about 1875.
10 Q. Do you recollect about the amount?
A. $700 I believe was the amount.
11 Q. Was that debt ever paid?
A. Yes, sir.
12 Q. When was it paid?
A. Well, I paid it to Andress and Wood here at their office in the east part of the Coleman building.
13 Q. What Wood.
A. Nat Wood, we knew him, Nathan Wood, I think.
14 Q. In their office?
A. Yes, sir.
15 Q. In what town?
A. In Lafayette.
16 Q. It was during the lifetime of Wood?
A. Yes, sir.
17 Q. Was it all paid off or not?
A. Yes, sir.
1565 18 Q. At that time?
A. Yes, sir.

Cross-examination by Mr. HANLY, counsel for plaintiff:

19 Q. When was it paid, Mr. Crapp?
A. It was paid, I can't state the exact time it was finished. It wasn't paid all at once. It was made in payments. I can't state the exact date, but it was paid, all the entire matter was settled with Andress and Wood.

Thereupon the further taking of these depositions is adjourned until Wednesday, September 18, 1901, at 3 o'clock p. m.

LAFAYETTE, IND.,
Wednesday, September 18, 1901—3 o'clock p. m.

Parties met pursuant to adjournment, present as heretofore, and by agreement the further taking of these depositions is adjourned until Wednesday, September 25, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Wednesday, September 25, 1901—10 o'clock a. m.

Parties met pursuant to adjournment, present as heretofore, and by agreement the further taking of these depositions is adjourned until Tuesday, October 1, 1901, at 9 o'clock a. m.

1566 LAFAYETTE, INDIANA,
Tuesday, October 1, 1901—9 o'clock a. m.

Parties met pursuant to adjournment, present as heretofore, and by agreement the further taking of these depositions is adjourned until Tuesday, October 1, 1901, at 2 o'clook p. m.

LAFAYETTE, INDIANA,
Tuesday, October 1, 1901—2 o'clock p. m.

Parties met pursuant to adjournment, present as heretofore, and the following proceedings were had. The following agreements were entered into and made a part of this record.

It is agreed that there were recorded in the mortgage rec-
1567 ords of Warren county, Indiana, the following mentioned mortgages, executed to Job M. Nash at the dates, securing notes for the amounts by the persons respectively named below, and that there were satisfaction by releases and payments thereof and judgment decrees, as noted below, and the words in said mort-, gages as to the county, State, or place of said Nash, to-wit:

1. By Joseph Tinkler to Nash of Tippecanoe county, Indiana, December 12th, 1870, $3000.00; released June 1879.

2. By James J. Mitchell to Nash of Tippecanoe county Indiana, February 1st, 1870; payments thereon as follows:

July 31, 1880	$835.00
July 21, 1881	900.00
Sept. 2, 1882	265.00

Released by release executed by Nash at Lafayette March 31, 1885.

3. By Levi Smith to Nash of Tippecanoe county, Indiana, February 4th, 1873, $1500.00. Released by Andress, February 5th, 1876.

B. W. LANGDON, For Def't.
HANLY & WOOD,
Att'ys for Pl'ff.

By agreement of the plaintiff and defendant the order of the introduction of evidence obtained is waived.

By agreement of plaintiff and defendant, that the signing by witnesses of their testimony, or evidence is waived.

Thereupon the further taking of these depositions is adjourned until Saturday, October 5, 1901, at 2 o'clock p. m.

1568 LAFAYETTE, IND.,
Saturday, October 5, 1901—2 o'clock p. m.

Parties met pursuant to adjournment, present as heretofore and the following proceed-s are had.

A. D. RAUB being first duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. You may state your name?
A. A. D. Raub.
2 Q. What is your first name?
A. Adams.
3 Q. Adams D. Raub?
A. Yes, sir.
4 Q. Where do you live?
A. At Earl Park, Indiana, Benton county.
5 Q. How long have you been a resident of Benton county?
A. Since 1862 or 1863.
6 Q. You may state whether or not you are the Adams D. Raub who executed a mortgage to Job M. Nash about the 8th day of December, 1868, on certain lands in Benton county Indiana?
A. Mention the amount.
7 Q. To *obs*cure the sum of $10,000?
A. I am.
8 Q. You may state if you please, whether that mortgage debt has been paid?
A. It has.
9 Q. You may state when it was paid with reference to the year 1881 or 1880?
A. It was paid previous to 1881.

Cross-examination by Mr. WOOD, counsel for plaintiff:

10 Q. At the time this mortgage was paid, Mr. Raub, was
1569 it receipted of record?
A. I will simply say that I think most of the receipts were put on the mortgage, released on the mortgage. I know at that time there was quite a good deal of business done that way.
11 Q. When was this mortgage finally released?
A. Well, after it come due; it run for five years.
12 Q. What I am asking you is, do you remember when the mortgage was finally released of record?
A. I will simply make this statement. I have been looking over the papers and books out there and there are a great many circumstances that come to my mind that convince me that the bulk of it was paid at the time it become due and some three years after or four.
13 Q. Isn't it a fact that a portion of this mortgage was not paid off until the year 1883?

A. Well, 1883, in my remembrance of that it come up in this way. Mr. Earl got tangled and I got a loan for him at Indianapolis of the Penn Mutual, and a great many things come up, fifty or sixty thousand dollars, and in quieting the title it was quite a job on Mr. Earl's land and they were very particular. The details of it I don't know. We got it through a Mr. Ayres who represented the Penn Mutual. I sent Mr. Hardi- Back to Indianapolis.

14 Q. My question is, isn't it a fact that a portion of the mortgage that you executed to Mr. Nash was not released until 1883, in the month of August?

A. Now, then, I will state this, that the Job Nash loan covered a great deal of land, that it was a perfect nuisance to leave it lay, that in 1875 and 1876 we commenced to sell lands and pay off
1570 the indebtedness and we probably sold from one to two thousand acres, and what moneys that paid this off would be impossible for me to remember.

15 Q. Now again, Mr. Raub, isn't it a fact that a portion of this loan of $10,000 was not paid off and was not released of record until in the month of August, 1883?

A. No, sir, it was all paid off. There was no necessity of its running.

16 Q. How does it come, Mr. Raub, if it was all paid off prior to 1883, how does it come that the mortgage was not released until 1883?

A. That would be impossible to say.

17 Q. Where are your receipts; did you take receipts from Mr. Nash or his agent at the time he made these different payments?

A. I don't remember.

17 —. Whether you took any receipt or not; was there any memoranda passed between you and Mr. Nash at the time that he would release certain portions of the mortgaged property in reference to the mortgage that was paid off by that release?

A. As I said previously releases at the time was put upon the mortgage.

19 Q. Was the amounts you paid put upon the mortgage, the amount the mortgage was reduced that was put on the mortgage?

A. No, sir, I don't remember.

20 Q. In 1874, on the 10th day of October there was a certain portion of these lands released from this mortgage; how much did you pay on the mortgage at that time?

A. It would be impossible to state.

21 Q. Have you no means of finding out?

A. I have looked for about a week for details and have
1571 been unable to find it.

22 Q. On the 27th day of October, 1876, certain other lands were released on this mortgage, what, if anything, did you pay on this mortgage then?

A. In amounts it wou-d be impossible to state.

23 Q. Have you any ideaof the amounts?

A. Now, this is 1876.

24 Q. Yes.

A. Well, in looking over the records in 1876, I find that I borrowed $10,000 on section 6, township 25, range 8 west, but what amounts out of that went for that would be impossible to state.

25 Q. Do you know when these lands were released in 1876, whether you paid anything upon the Nash mortgage at that time?

A. Undoubtedly.

26 Q. But you have no memory of the amounts?

A. Have no memory of the amounts.

27 Q. In 1875 there were certain other lands released from the Nash mortgage, what did you pay then on the mortgage, if you know?

A. I would not remember. I think it was sold from probably a thousand acres and probably some of that money might have gone.

28 Q. Now, in November, 1875, there were certain other lands released from this Nash mortgage, what, if anything, did you pay on that mortgage at that time?

A. I have to give the same answer as previously, that I would not remember the amounts.

29 Q. On the 20th of November, 1877, there were certain other lands released from this mortgage what, if anything, did you pay at that time?

1572 A. I don't remember.

30 Q. Now, Mr. Nash, if this mortgage was all paid off prior to 1881, how does it come that it was not released of record before August, 1883?

A. I wouldn't know from this standpoint.

31 Q. Had you other indebtedness at that time on your lands—on other lands?

A. In 1876 as I mentioned I borrowed $10,000 on section 6 for five years.

32 Q. Was that still outstanding in 1883?

A. I don't remember.

33 Q. You say that you have no memoranda of the payments, stating the time and the amounts when they were paid that you made to Mr. Nash in the reduction of this mortgage from time to time?

A. I don't find any.

34 Q. Isn't it possible, Mr. Raub, that you are mistaken about this mortgage being all paid off before 1881?

A. No.

35 Q. How do you know that it was paid off before 1881?

A. Because I have no recollection of having had anything to do with it since.

36 Q. I will ask you again, how does it come, if you know, that this mortgage remained a lien upon the records and on your lands up to the 9th day of August, 1883?

A. I don't know.

Thereupon the further taking of these depositions is adjourned until Wednesday, October 9, 1901, at 2 o'clock p. m.

LAFAYETTE, IND.,
Wednesday, October 9, 1901—2 o'clock p. m.

Parties met pursuant to adjournment. Present as heretofore, and the following proceedings are had:

1573 JOHN R. GLADDEN, recalled by the defendant and testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. You are the same witness who testified heretofore in this case?
A. Yes, sir.
2 Q. What record have you got there?
A. I have record 16 of the mortgage record of Tippecanoe county.
3 Q. What do you find there?
A. Power of attorney.

On motion of the defendant said power of attorney is put and read in evidence in the words and figures following, to-wit:

Know all men by these presents, that I, Job M. Nash of the city of Lafayette of the county of Tippecanoe of the State of Indiana have made, constituted and appointed and by these presents do make, constitute and appoint Edgar H. Andress of the county and State aforesaid my true and lawful attorney for me and in my name, place and stead. To execute releases of or release on the record, upon the full payment thereof, any and all mortgages heretofore executed, or that may be hereafter executed, to me or transferred to me by assignment, and held by me at the time of payment thereof, and recorded in said county of Tippecanoe, or in any of the other counties of the State of Indiana; giving and granting to my said attorney, full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done in and about the premises, as fully, to all intents and purposes, as I
1574 might or could do, if personally present at the doing thereof, hereby ratifying and confirming all that my said attorney may or shall lawfully do or cause to be done by virtue thereof.

In witness whereof, I hereunto set my hand and seal, this ninth day of January, eighteen hundred and seventy-four.

JOB M. NASH. [SEAL.]

Witnesses:
S. C. BUCHONON.
WILLIAM SUMPTER.

TATE OF ARKANSAS, } ss:
Garland County, }

Be it known, that on this ninth day of January in the year eight-
n hundred and seventy-four before me, the undersigned, a notary
ublic in and for said county and State, personally appeared Job M.
ash to me well known, to be the identical person who executed the
regoing letter of attorney, and acknowledged the same to be his
t and deed.

I testimony whereof, I have hereunto set my hand and affixed
y seal of office the day and year last above written.

[L. S.] ALPHONZO CURL,
Notary Public.

A true copy recorded January 13th, 1874, at 10 o'clock a. m.
JAMES H. JONES, R. T. C.

4 Q. What record now is that you have in your hand?
A. Record power of attorney No. 1, Tippecanoe county, Indiana.
5 Q. Turn to pages one and two.
A. This is a power of attorney.

575 On motion of the defendant said record is put and read in evidence in the words and figures following, to-wit:

Know all men by thes- presents. That I, Job M. Nash of the
unty of Westchester in the State of New York have made, consti-
ted and appointed, and by these presents do make, constitute and
ppoint James McCormick my true and lawful attorney for me and
n my name, place and stead. To release and discharge of record
ny and all mortgages which I now hold, *when* the same shall be
lly paid and satisfied to me. And also if any person shall pur-
ase any notes or mortgages held by me, said McCormick is hereby
uthorized to tranfer and assign the said notes or mortgage to such
erson, without recourse on me, giving and granting to my said at-
rney, full power and authority to do and perform all and every
t and thing whatsoever, requisite and necessary to be done in and
bout the premises, as fully, to all intents and purposes, as I might
r could do, if personally present at the doing thereof, hereby rati-
ing and confirming all that my said attorney may or shall law-
lly do or cause to be done by virtue hereof. And I do hereby re-
oke the power of attorney heretofore executed by me to Edgar H.
ndress.

In witness whereof, I hereunto set my hand and seal, this fifth
ay of July, eighteen hundred and eighty-one.

JOB M. NASH. [SEAL.]

TATE OF INDIANA, } ss:
Tippecanoe County, }

576 Be it known, that on this fifth day of July in the year eighteen hundred and eighty-one, before me the undersigned

a notary public in and for said county and State, personally appeared Job M. Nash, to me well known to be the identical person who executed the foregoing letter of attorney, and acknowledged the same to be his act and deed and that I have no interest present or prospective in the claim.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, the day and year last above written.

[L. S.] JOHN A. STEIN,
Notary Public.

A true copy recorded July 5th, 1881, at 2 o'clock, p. m.
NEVILLE I. THROCKMORTON, Recorder.

6 Q. What record is that you have?

A. Same record, power of attorney record, No. 1, Tippecanoe county.

On motion of the defendant said record is put and read in evidence in the words and figures following to-wit:

Know all men by these presents, that I, Job M. Nash of the county of Westchester in the State of New York have made, constituted and appointed and by these presents do make, constitute and appoint James Buck my true and lawful attorney for me and in my name, place and stead to release and discharge of record—and all mortgages which I now hold when the same shall be fully paid and satisfied to me. And also if any person shall purchase any notes or mortgage held by me said Buck is hereby authorized to transfer and assign the said notes or mortgage to such person, without
1577 recourse on me giving and granting to my said attorney full power and authority to do and perform all and every act to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present at the doing thereof, hereby ratifying and confirming all that my said attorney may or shall lawfully do or cause to be done by virtue hereof. And I do hereby revoke the power of attorney heretofore executed by me to James McCormick, said power of attorney is recorded in Power of Attorney Record No. *i*, pages 1 & 2.

In witness whereof, I hereunto set my hand and seal this First *1st* day of August A. D. 1882.

JOB M. NASH. [SEAL.]

STATE OF INDIANA, } *ss.:*
Tippecanoe County, }

Before me the undersigned a notary public in and for said county and State this first day of August, 1882, personally appeared Job M. Nash to me well known and acknowledged the execution of the foregoing power of attorney to be his voluntary act and deed.

Witness my hand and notarial seal this 1st day of August, 1882.

JOSHUA T. ROSEBERRY,
[L. S.] Notary Public.

A true copy recorded August 1st 1882 at 2 o'clock p. m.

N. I. THROCKMORTON, Recorder,
By H. N. THROCKMORTON, Deputy.

7 Q. What record have you now in your hand?
A. Same record, power of attorney No. 1, Tippecanoe county.

On motion of the defendant said record is put and read in evidence in the words and figures following, to-wit:

1578 Know all men by these presents, That I Job M. Nash of Westchester county, of the State of New York have made, constituted and appointed and by these presents do make, constitute and appoint James Buck of Tippecanoe county, Indiana, my true and lawful attorney irrevocable for me and in my name, place and stead to release and discharge of record any mortgage that may have been given, or that may be given to me when the same shall be fully paid and satisfied to me. Also if any person or persons shall purchase any notes or mortgages that may have been given or that may hereafter be given to me, said James Buck is authorized to transfer such notes and mortgages without recourse on me and to surrender any notes, mortgages or bonds that may be or may have been given to me as collateral security whenever the obligation to secure which such collateral was or may be given has been fully paid and satisfied to me, giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present at the doing thereof with full power of substitution and revocation hereby ratifying and confirming all that my said attorney or his substitute may or shall lawfully do or cause to be done by virtue hereof.

In witness whereof, I hereunto set my hand and seal, this 31st day of October, eighteen hundred and eighty-five.

JOB M. NASH. [SEAL.]

Witnesses:
ALEXANDER CALDWELL.

1579 STATE OF NEW YORK, }
New York County, } *ss:*

Be it known that on this *thirtieth* first day of October in the year eighteen hundred and eighty five before me the undersigned a notary public in and for said county and State, personally appeared Job M. Nash to me well known to be the identical person who executed the foregoing letter of attorney and acknowledged the same to be his act and deed and that I have no interest present or prospective in the claim.

In testimony whereof, I have hereunto set my hand and affixed n
seal of office the day and year last above written.

ALEXANDER CALDWELL,
[L. S.] Notary Public, New York County.

A true copy recorded January 29, 1886 at 11 o'clock a. m.

DAVID BRYAN, Recorder.
J. B. ALEXANDER, Deputy.

On motion of the defendant authenticated copy of record in t
United States courts reading as follows is put and read in evidence
the words and figures following, to-wit:

Please held before the Honorable David P. Vinton, sole judge
the Tippecanoe circuit court and at the November term thereof
the year of our Lord, one thousand eight hundred and eighty-fo
to-wit:

STATE OF INDIANA, }
Tippecanoe County. }

Circuit Court, November Term, 1884.

EMMA L. TAYLOR
vs.
JOB M. NASH, FREDERICK D. TAYLOR, WM. A. POTTER, Ex'r of
the Will of John Taylor, Dec'd.

1580 To the honorable, the circuit court of Tippecanoe coun
State of Indiana:

Your petitioner, Job M. Nash, shows to this honorable court th
the matter and amount in dispute in the above entitled suit, excee
exclusive of costs, the sum or value of five hundred dollars; th
the controversy in this suit is between citizens of different Stat
and that the petitioner was at the time of the commencement of th
suit and still is a citizen of the State of New York.

That said Wm. A. Potter, executor of the will of John Tayl
deceased, was then and still is a resident of the State of Indian
and that the defendant Frederick D. Taylor was then and still is,
your petitioner is informed and believes, as citizen of the State
Missouri, but that said Frederick D. — has never been served wi
process herein and has never appeared in said cause in any w
and that said plaintiff Emma L. Taylor then was and still is a re
dent of the State of Indiana.

That the real controversy in this action is between this petition
and said plaintiff Emma L. Taylor that in said suit there is a co
troversy between citizens of different States and which can be ful
determined as between them and that the said plaintiff Emma

Taylor and your petitioner, are the real parties in interest therein, and that said other defendants Frederick D. —— and William A. Potter ex'r are nominal parties.

Your petitioner further shows that he is one of the defendants in said cause, and that said suit was commenced on or about
1581 the 29" day of May, 1884, and that your petitioner was at the time of *your* bringing said suit and still is a citizen of the State of New York and a resident thereof.

Your petitioner further shows that there is and was at the time said suit was brought a controversy therein, between your petitioner and plaintiff Emma L. Taylor, who is a citizen of the State of Indiana and a resident thereof, and that said action was brought by said plaintiff for the purpose of enforcing a judgment and that the matter in dispute in this suit exceeds the sum of five hundred dollars exclusive of costs as hereinbefore set forth.

Your petitioner further shows that said suit has not been tried but is now pending for trial in the circuit court of Tippecanoe county, Indiana, and that your petitioner Job M. Nash desires to remove the same into the circuit court of the United States for the district of Indiana, in pursuance of the act of Congress in that behalf provided.

Your petitioner further says that he has filed the affidavit required by the statute in such cases and offers herewith his bond executed by James Buck of Tippecanoe county, Indiana, as surety in the penal sum of two hundred and fifty dollars conditioned as by said act of Congress required.

Your petitioner therefore prays that the said bond may be accepted as good and sufficient according to the acts of Congress and that the said suit may be removed into the next circuit court of the United States in and for said district of Indiana, pursuant to said acts of Congress in such cases made and provided, and he
1582 further prays this honorable court to proceed no further herein.

And your petitioner will ever pray, &c.

JOB M. NASH,
By COFFROTH & STUART,
His Solicitors.

Monday, January, 26", 1885, 61" Day.

EMMA L. TAYLOR vs. JOB M. NASH, FRED D. TAYLOR, WM. A. Potter, Ex'r of John Taylor, Dec'd.	3081. Complaint to Enforce Decree.

Come now the parties by their attorneys and the court now approves the bond hereinbefore filed and the defendant, Job M. Nash, moves the court to remove this cause to the United States circuit

court for the district of Indiana, and the plaintiff now objects to said transfer being made and for reason says because the amount in controversy does not exceed five hundred dollars and because the case is not an original one and not one that can be transferred; and the court being fully advised in the premises over-rules said reasons and does now order that this cause be, and the same is now transferred to the United States circuit court of the district of Indiana and the plaintiff now excepts to the ruling of the court.

In the Circuit Court of the United States for the District of Indiana, November Term, 188–, May 2″, 1885.

Before the Honorable William A. Woods, Judge.

EMMA L. TAYLOR
vs.
JOB M. NASH ET AL. } Transfer. No. 7955.

1583 Come now the defendants by Coffroth and Stuart their solicitors, and file in this court a transcript of all papers filed and proceedings had in the above entitled cause in the Tippecanoe circuit court: and the plaintiff is ruled to file a cost bond herein within ten days.

In the Circuit Court of the United States for the District of Indiana, May Term, 1889, October 10, 1889.

Before the Honorable William A. Woods, Judge.

EMMA L. TAYLOR
vs.
JOB M. NASH. } Chancery. No. 7955.

Comes now the plaintiff by Rob't Jones her solicitor, and the defendant by Coffroth and Stuart, his solicitors, and the defendant having filed his answer herein and the parties having filed their agreement herein; thereupon this cause is submitted for final hearing upon the bill, answer and said agreement and the further agreement in open court, that nothing stated in said answer shall be regarded as a defence, if it would not have been so held, if the proper exceptions had been filed thereto.

The court after hearing the evidence and being fully advised finds that the matters alleged in the bill are true. That the mistakes in the description of the real estate alleged in the bill ought to be corrected. And the original decree of the circuit court of the county of Tippecanoe and State of Indiana set out in the bill ought to be enforced in favor of the plaintiff. But that the defendant has a prior lien to that of the plaintiff upon said real estate for the amount

of all the taxes paid by him as shown by the said agreement
1584 of the parties hereto.

It is therefore decreed by the court that there is now due the plaintiff on said decree the sum of four thousand and eighty dollars ($4,080.00) and that it is a lien upon said realty, in said Tippecanoe county and State of Indiana, the description as corrected by this court is as follows:

A part of the north half of the north-west quarter of section twenty-eight (28) in township twenty-three (23) north of range four (4) west (in the city of Lafayette) commencing at the intersection of what was originally Pine, but is now Fourteenth street and Center street in said city of Lafayette, running thence west nineteen and eighty eight hundredths (19.88/100) poles, thence north twenty seven and twenty hundredths (20.20/100) poles, thence north fifty four (54) degrees east, eleven and twelve hundredths (11.12/100) poles, thence south eighty two (82) degrees east eleven poles to the west line of Fourteenth street, thence to the place of beginning thirty two and twenty eight hundredths (32.28/100) poles, containing three and ninety-five hundredths (3.95/100) acres and that if said realty is sold for more than the amount now due the plaintiff, and the other amounts to be paid under this decree, of if said sums are paid without a sale or a sale is made and redeemed from, in any of said events the quarterly payment of $51.96 to become due the plaintiff on the 4" day of November, 1889, and a like sum to become due the plaintiff at the expiration of each three months thereafter during her life, under said original decree shall be a lien on said realty
or any surplus arising therefrom, and the same shall be en-
1585 forced, as this court may hereafter direct.

It is further decreed that if said realty shall be sold, from the proceeds of such sale there shall first be paid the costs herein including the costs of such sale.

Next there shall be paid to the defendant the sum of seven hundred and sixty seven 08/100 (767.08/100) dollars with interest from to-day.

Next there shall be paid the plaintiff the amount fixed by this decree as due her, and if there is any surplus it shall be disposed of as this court shall direct.

That unless the amount found due the plaintiff is paid within ten days, a copy of this decree shall be issued by the clerk of this court to William P. Fishback, master in chancery of this court, who shall proceed to sell said realty, as other lands are sold on execution and pay the proceeds of such sale into court for distribution as this decree directs.

The plaintiff excepts to so much of this decree as relates to the costs; and also to so much thereof as gives the defendant a right to have the taxes paid by him and interest thereon paid from the proceeds of any sale under said decree.

DISTRICT OF INDIANA:

I, Noble C. Butler, clerk of the circuit court of the United States for the district of Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of the petition and order for removal of the cause of Emma L. Taylor vs. Job M. Nash *et al.*, from the Tippecanoe circuit court, as fully as the same appears in the certified transcript of said cause filed in this court on the
1586 2nd day of May, 1885, from the Tippecanoe circuit court, and also a full, true and complete copy of the order showing the filing of said transcript in this court, which order was entered on the 2nd day of May, 1885; and also a full, true and complete copy of the decree entered in this court on the 10th day of October, 1889, all in the cause of Emma L. Taylor vs. Job M. Nash *et al.*, as fully as the same appears of record and remains on file in my office.

Witness my hand and the seal of said court, this 11th day of November 1898.

[L. S.] NOBLE C. BUTLER,
Clerk District of Indiana.

I, John H. Baker, judge of the district court of the United States, for said district, do certify that at the date of the foregoing certificate, Noble C. Butler was, and now is, the clerk of the circuit court of the United States, for said district, and that his attestations aforesaid *is* in due form of law.

Witness my hand, this 11th day of November, 1898.

JOHN H. BAKER, Judge.

On motion of the defendants authenticated record marked "E. A. O. R." is put and read in evidence in the words and figures following, to-wit:

Pleas held before the Honorable David P. Vinton sole judge of the Tippecanoe circuit court of Indiana, and at its September term thereof in the year of our Lord one thousand eight hundred and eighty-two, to-wit:

STATE OF INDIANA,
Tippecanoe County, } ss:

1587 In the Circuit Court, to the September Term, 1882.

JOHN BALL
vs.
JOB M. NASH.

Petitioner for Removal to the Circuit Court of the United States, District of Indiana.

Your petitioner respectfully shows to this honorable court that the matter and amount in dispute in the above entitled suit exceeds

exclusive of costs, the sum of or value of five hundred dollars; that the controversy in said suit is between citizens of different States and that the petitioner was, at the time of the commencement of this suit, and still is a citizen of the State of New York, and that the plaintiff John Ball was then and still is a citizen of the State of Indiana.

And your petitioner offers herewith a bond with good and sufficient surety for his entering in said circuit court of the United States, on the first day of its session, a copy of the record in this suit, and for paying all costs that may be awarded by said circuit
1588 court, if said court shall hold that this suit was wrongfully or improperly removed thereto.

And he prays this honorable court to proceed no further herein, except to make the order of removal required by law, and to accept the said surety and bond, and to cause the record herein to be removed into said circuit court of the United States in and for the district of Indiana, and he will ever pray.

COFFROTH AND STUART,
Att'ys for Petitioner.

STATE OF INDIANA, } ss:
Tippecanoe County, }

I, Thomas A. Stuart, being duly sworn do say that I am a member of the firm of Coffroth and Stuart the attorneys for the petitioner in the above entitled cause; that I have read the foregoing petition, and know the contents thereof, and that the statements and allegations contained therein are true, as I verily believe.

THOMAS A. STUART.

Subscribed by the said Thomas A. Stuart in my presence and by him sworn to before me, this the 9′ day of November, A. D. 1882.

Witness my hand and notorial seal.

J. B. MILLER,
Notary Public.

[SEAL.]

In the Circuit Court of the United States for the District of Indiana, November Term, 1882. April 27′, 1883. In Recess.

1589 JOHN BALL vs. JOB M. NASH. } Transfer No. 7626.

Comes now the defendant by Messrs. Coffroth and Stuart his attorneys and files in this court a certified transcript of the record in the above entitled cause, from the Tippecanoe circuit court.

In the Circuit Court of the United States for the District of Indiana, May 26', 1884, May Term, 1884.

Before the Honorable William A. Woods, Judge.

JOHN BALL
vs.
JOB M. NASH ET AL. } Transfer No. 7626.

Comes now the plaintiff by counsel and upon his motion it is ordered that the above entitled cause be, and the same is hereby dismissed at the plaintiff's costs.

DISTRICT OF INDIANA:

I, Noble C. Butler, clerk of the circuit court of the United States for the District of Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of the petition for removal of the cause of John Ball vs. Job M. Nash from the Tippecanoe circuit court, as fully as the same appears in the certified transcript of said cause filed in this court on the 27th day of April, 1893, from the Tippecanoe circuit court, and also a full, true and complete copy of the order showing the filing of said transcript in this court, which order was entered on the 27th day of April, 1883; and also
1590 a full, true and complete copy of the order of dismissal of said cause entered in said court on the 28th day of May, 1884, all in the cause of John Ball vs. Job M. Nash, as fully as the same appears of record and remains on file in my office.

Witness my hand and the seal of said court, this 11th day of November, 1898.

[L. S.] NOBLE C. BUTLER, Clerk.

DISTRICT OF INDIANA:

I, John H. Baker, judge of the district court of the United States for said district, do certify that at the date of the foregoing certificate, Noble C. Butler was, and now is, the clerk of the circuit court of the United States, for said district, and that his attestations aforesaid is in due form of law.

Witness my hand this 11th day of November, 1898.

JOHN H. BAKER, Judge.

On motion of the defendant authenticated record, marked "F A. O. R." is put and read in evidence in the words and figures following, to-wit:

Pleas of the circuit court of the United States for the district of Indiana, begun and holden at the United States court house in the city of Indianapolis in said district on the first Tuesday of November in the year of our Lord one thousand eight hundred and eighty-four before the Honorable William A. Woods, judge of the district court of the United States for the district of Indiana,
591 and *ex-officio* judge of said circuit court.

JOB M. NASH
vs.
JAMES J. MITCHELL. } No. 7885. Civil Action.

Be it remembered that heretofore, to-wit. at the November term of said court, on the 25th day of November, 1884, the plaintiff by Messrs. Coffroth & Stuart his attorneys, filed his complaint in the above entitled cause in the words following to-wit:

The plaintiff, Job M. Nash, complains of the defendant, James J. Mitchell, and says, that heretofore, to-wit, on the first day of February 1850, the defendant by the name and style of J. J. Mitchell, by his promissory note, a copy of which is filed herewith, marked "Exhibit A" and made a part of this complaint, and reads in the words and figures following to-wit: Promised to pay to the plaintiff thirty three hundred dollars, five years after date, with interest at the rate of ten per cent. per annum from maturity and attorney's fees, if suit be instituted on said note, and plaintiff avers that the attorney's fees prosecuting this suit are reasonably worth six hundred dollars, that said note principal, interest and attorney's fees are due and unpaid.

Wherefore, plaintiff demands judgment for six thousand dollars against said defendant, and for all other, further and proper relief.

COFFROTH & STUART,
Att'ys for Pl'ff.

592 "EXHIBIT A."

$3.300.00. LAFAYETTE, IND., Feb. 1, 1870.

Five years after date I promise to pay to the order of Job. M. Nash at the First National Bank of Lafayette, Indiana, three thousand three hundred dollars, with interest at the rate of ten per cent. per annum for maturity (and attorney's fees, if suit be instituted on this note) value received without any relief whatever from valuation or appraisement laws. The drawers and endorsers severally waive presentment for payment, protest and notice of protest and non payment of this note. Secured by mortgage and stamped.

(Signed) J. J. MITCHELL.

And afterwards, to-wit, at the November term of said court on the 11th day of December, 1884, in recess thereof, the following further proceedings in the above entitled cause were had, to-wit:

Comes now the defendent by R. C. and W. B. Gregory his attorneys and files his answer herein in the words following to-wit:

Paragraph 1. The said defendent for answer to said complaint says that he denies each and every allegation therein contained.

Paragraph 2. And for further answer to said complaint the said defendent says that before the commencement of this suit he fully paid and satisfied to said plaintiff the sum mentioned and secured by said promissory note and all interest thereon. The defendent admits the execution of said note sued on.

Paragraph 3. And for further answer to so much of said
1593 complaint as is covered and embraced by the usurious interest hereinafter set forth and herein asked to be *recouped* together with said usurious interest embraced and included in said promissory note as hereinafter stated, the said defendant says, that the sole and only consideration of said promissory note was the loan and forebearance of money for a period of five years from the date of said note under a corrupt and usorious agreement by which this defendant agreed with said plaintiff to pay at and after — the rate of fifteen per cent. interest per annum on the entire sum mentioned and set forth in said note, that at the time of the execution of said note there was among other sums deducted from the sum mentioned in said note the sum of one hundred and sixty-five dollars as and for six months' interest at the rate of ten per cent. per annum from the date of said note, and there were at the same time nine other several promissory notes executed by this defendant payable to said plaintiff severally in 6, 12, 18, 24, 30, 36, 42, 48 and 54 months from date thereof, for the sum of one hundred and sixty-five dollars, and with ten per cent. interest per annum after maturity, which said nine notes were executed to secure the payment of interest on the sum specified and set forth in said note sued on at and after the rate of ten per cent. per annum which said nine notes this defendant has fully paid and satisfied to said plaintiff before the commencement of this action and on or before the expiration of said five years from the date of said note sued on. That at the time of the execution of said note sued on there was also deducted
from the sum mentioned and set forth in said last
1594 mentioned note and retained by said plaintiff by his agent making said loan and as a part of said transaction the further sum of four hundred and forty dollars usurious interest in the name of commisions and interest under the corrupt and usurious agreement that said agent of the plaintiff was to have five per cent. commission on the entire sum mentioned in the note sued on, as a part and parcel of the said five per cent *interest* per annum over and above said ten per cent. interest per annum as above set forth; that to secure the residue of said five per cent. interest per annum this defendant at the time of the execution of said note sued on, executed his two several promissory notes with H. C. Mitchell as comaker, payable to one Thomas Wood who was at the time the said agent of the plaintiff in making said loan for the sum of one hundred and ninety-two dollars

y cents each payable severally in nine and eighteen months from
th ten per cent interest per annum from date; which two last
notes with the interest thereon were fully paid by this de-
t on or before the 29th day of July, A. D. 1871 long before the
ty of the note sued on; that this defendant paid the sum of
ree dollars and thirty-one cents on said two last named notes
d above the principal sum secured thereby. That the entire
covered by this defendant at the time of the execution of the
ed on was only the sum of twenty-six hundred and ninety-
llars and that said note sued on includes usurious interest
sum of four hundred and sixty-two dollars and fifty
cents. That this defendant has since the execution of said
note sued on and before the maturity thereof paid usurious
interest, that is to say, the said two notes for one hundred and
two dollars and fifty cents each, making together the sum of
hundred and eighty-five dollars and also the further sum of
ree dollars and thirty-one cents the interest thereon, and
the end of each six months from the date of said note sued
further sums of twenty-one dollars and fifty cents on each of
ine several interest notes—which said several sums are all
nd above the rate of ten per cent. interest per annum on the
al sum loaned for said period of five years. And this de-
t avers that at the expiration of said five years from the date of
ote sued on, it was corruptly and usuriously agreed by and
n this defendant — said plaintiff by his agents, that said
ff would forbear to inforce the payment of said note sued on
eriod of five years from the maturity of said last named note,
corrupt and usurious contract that this defendant would and
ecute his two several notes to the agent of said plaintiff in
g said contract of forebearance and in the receiving of the
on the said notes so given for such forebearance, to-wit:
) & Wood, are for the sum of two hundred dollars payable in
months after date with ten per cent. interest per annum after
ty and other for the sum of fifty dollars due July 4th,
and also that this defendant would and did execute
n several promissory notes payable to said plaintiff
for one hundred and sixty-five dollars each severally
due and payable in 6, 12, 18, 24, 30, 36, 42, 48, 54
and 60 months after date with ten per cent. interest per
after maturity; which said ten notes and said two
to the said agents of the plaintiff (Andrip & Wood) have
een fully paid and satisfied together with all interest thereon
plaintiff and his said agents long before the commencement
suit; that said sums of two hundred dollars, fifty dollars
enty-two dollars and fifty cents in and on each of said ten
or one hundred and sixty-five dollars each were and are
us; that in pursuance of said corrupt and usurious contract
d plaintiff did forebear to enforce the payment of said note
n for a period of more than five years from said first day of

February A. D. 1871. That the said several sums so paid over and above ten per cent. interest per annum amounted to the aggregate sum of fifteen hundred and sixty-eight dollars and thirty-one cents, which said sum this defendant asks and offers to *recoup* against any sum which may be found due from him to the plaintiff on said note sued on; that then he deducted from said note the said sum of four hundred and sixty-two dollars and fifty cents usurious interest embraced and included therein at the time of the execution thereof, and that this defendant may have all other relief to which he may be entitled. The defendant admits the execution of said notes sued on.

Paragraph 4. And for further answer as to interest up to the first day of February A. D. 1880, on said note sued on and two thousand dollars of the principal of said note and the interest on said two thousand dollars from the 2d day of September A. D.
1597 1882, and attorneys' fee on the said interest to the said 1st day of February A. D. 1880, and two thousand dollars of said principal the said defendant says that he fully paid all the interest on said note up to the said first day of February A. D. 1880, to said plaintiff and on the said 2d day of September A. D. 1882, he paid the said plaintiff the further sum of two thousand dollars on said note which was at the time credited on said notes sued on which payments of interest and principal was made long before the announcement of this suit. This defendant admits the execution of said notes.

ROBERT C. AND WILLIAM B. GREGORY,
Att'ys for Defendant.

James J. Mitchell after being duly sworn on his oath says that he is the defendant in the above entitled cause, that he has made a full and true statement of his defense to said action to his counsel Robert C. Gregory an attorney of this court that he has been advised by his said counsel and verily believes that he was a me-itt*o*rious and legal defense to said action; that it will be necessary for this affiant to take testimony to make out his defense and further said not.

JAMES J. MITCHELL.

Subscribed and sworn to before me, this 10th day of December, 1884, at Lafayette, Indiana.

FRED S. CHASE,
Commissioner of U. S. Circuit Court for said District.

I certify on the statement of the said James J. Mitchell I
1598 have advised him that he has a meritorious and legal defense to said action.
December 10, 1884.

ROBERT C. GREGORY,
Of Counsel for Defendant.

And afterwards to-wit, at the November term of said court on the 6th day of February, 1885, before Honorable William A. Woods, judge of said court, the following further proceedings in the above entitled cause were had, to-wit:

And thereupon said plaintiff by his attorneys files his reply to the 2, 3, and 4 paragraphs of answer herein in the words following, to-wit:

Comes now the said plaintiff and for reply to the 2, 3 and 4 paragraphs of defendant's answer says that he denies each and every allegation therein contained.

COFFROTH & STUART,
Att'ys for Pl'ff.

And afterwards to-wit: at the November term of said court, on the 18th day of March 1885, before Honorable William A. Woods, judge of said court, the following further proceedings in the above entitled cause were had, to-wit:

Come again the parties by their respective attorneys, and the jury heretofore impanneled and sworn herein comes also, and return into court the verdict following: We the jury find for the plaintiff in the sum of 913.28 and assess his damages at that sum. Israel Taylor, foreman.

It is therefore considered by the court that the plaintiffs do recover of said defendant said sum of nine hundred and thirteen dollars and twenty-eight cents ($913.28), collectable without any re-
1599 lief whatever from valuation or appraisement laws; together with his costs herein taxed at $—.

And afterwards, to-wit, on the 20th day of March, 1885, an execution was issued out of the office of the clerk of said court in the above entitled cause, in the words following, to-wit:

UNITED STATES OF AMERICA, }
District of Indiana, } *ss*:

The President of the United States of America to the marshall of the district of Indiana, Greeting:

You are hereby commanded, that of the goods and chattels, and for want thereof, then of the lands and tenements of James J. Mitchell in your district you cause to be made, without relief from valuation or appraisement laws, nine hundred and thirteen dollars and twenty-eight cents ($913.28) and also $77.90 costs of suit, which by the judgment of the circuit court of the United States, for the district of Indiana, at the November term thereof, in the year 1885, Job M. Nash recovered against the said James J. Mitchell, with interest thereon at the rate of six per cent. from the 18th day of March, 1885, until paid, together with the further sum of $1.35 costs of increase on said judgment, and also the costs that may accrue on this

writ. And have you the moneys in the said circuit court, before the judges thereof, at the city of Indianapolis, in said district, one hundred and eighty days from date, to be paid to the persons
1600 entitled to receive the same. And have you then and there this writ.

Witness the Honorable Morrison R. Waite, Chief Justice
[SEAL.] of the Supreme Court of the United States this 20th day of March, A. D. 1885.

NOBLE C. BUTLER, Clerk.

And afterwards to-wit, on the 31st day of March, 1885, said execution was returned into the office of the clerk of said court, with the following return of the marshall endorsed thereon, to-wit:

Received of Nancy Mitchell, March 30, 1885, $1014.23 in full of judgment, interest and costs in this case. I have paid Nobel C. Butler clerk $988.71 and retain $25.52 all my costs in this case and return this writ satisfied.

ROBERT S. FOSTER,
U. S. Marshall.
By CHAS. FISKE, Deputy.

DISTRICT OF INDIANA:

I, Noble C. Butler, clerk of the circuit court of the United States for the district of Indiana, do hereby certify that the above and foregoing is a full true and complete transcript of the complaint, answer, reply, judgment, execution and return on the execution, filed and entered in the said court in the case of Job M. Nash vs. James J. Mitchell, No. 7885, as fully as the same appears of record and remains on file in my office.

Witness my hand and the seal of said court, this 18th day of September, 1901.

[L. S.] NOBLE C. BUTLER, Clerk.

1601 DISTRICT OF INDIANA:

I, John H. Baker, judge of the district court of the United States, for said district, do certify that at the date of the foregoing certificate, Noble C. Butler was, and now is the clerk of the circuit court of the United States, for said district, and that his attestations aforesaid is in due form of law.

Witness my hand this 18th day of September, 1901.

JOHN H. BAKER, Judge.

On motion of the defendant, authenticated record marked "G. A. O. R." is put and read in evidence in the words and figures following to-wit:

UNITED STATES OF AMERICA,
District of Indiana.

In the United States Circuit Court for the District of Indiana. To the May Term, 1882.

JOB M. NASH
vs.
JOHN BALL, ROSE A. BALL, His Wife; RICHARD Ball, and John Ball, Jr. } Ejectment. No 7510.

The plaintiff complains of the defendants above named and says that he, the plaintiff, Job M. Nash, is a citizen of the State of New York, and that said defendants John Ball, Rose A. Ball, his wife, Richard Ball and John Ball, Jr., are each and all citizens of the State of Indiana, and that the value of the property in controversy in this action exceeds the sum of five thousand dollars, exclusive of costs.

Plaintiff further avers that he is the owner in fee simple
1602 and entitled to the possession of the following described real estate, situated in the county of Tippecanoe, and State of Indiana, to-wit:

Lots numbered respectively six (6) and seven (7) in Taylor, Harter and Stockwell's addition to (the now city) Lafayette; that said defendants John Ball, Rosa A. Ball, his wife, Richard Ball and John Ball Jr., now hold possession of the said property without right and since the 6′ day of August, 1882 has unlawfully kept the plaintiff out of possession.

Wherefore, plaintiff demands judgment for the recovery of said real estate, and for five hundred dollars damages for being kept out of possession and for all other and proper relief.

COFFROTH AND STUART,
Att's for Pl'ff.

In the Circuit Circuit Court of the United States for the District of Indiana. May Term, 1883. June 19, 1883.

Before the Honorable William A. Woods, Judge.

JOB M. NASH
vs.
JOHN BALL, ROSE A. BALL, His Wife; Richard Ball, and John Ball, Jr. } Ejectment. No. 7510.

Comes now the plaintiff by Messrs. Coffroth and Stuart and Messrs. McDonald and Butler, his attorneys, and at the same time come the defendants by George Carter, Esq., their attorney and this cause now coming on to be heard is submitted to the court for trial, find-

ing and judgment without the intervention of a jury; and
1603 thereupon, the court having heard the evidence, and argument of counsel and being sufficiently advised in the premises, finds for the plaintiff and that he is the owner in fee simple and entitled to the possession of the premises aforesaid, and that the defendant unlawfully and without right holds possession of the same; and assesses his damages at the sum of three hundred and thirty dollars ($330.00).

It is therefore considered by the court that the plaintiff do recover — the defendants the said premises: Lots numbered respectively six (6) and seven (7) in Taylor, Harter, Hanna and Stockwell's addition to (the now city) Lafayette, in the county — Tippecanoe and State of Indiana, and that he do have his writ of possession therefor, and that he further recover his damages so as aforesaid assessed and found to-wit: the sum of three hundred and thirty dollars ($330.00), together with his costs herein expended, taxed at $—.

DISTRICT OF INDIANA:

I, Noble C. Butler, clerk of the circuit court of the United States for the district of Indiana, do hereby certify that the above and foregoing is a ful-, true and complete copy of the complaint filed in said court on the 18th day of September, 1882, and of the entry of judgment rendered and entered in said court, on the 19th day of June, 1883, in the cause of Job M. Nash vs. John Ball *et al.*, as fully as the same appears of record and remains on file in my office.

Witness my hand and seal of said court, this 11th day of November 1898.

1604 [L. S.] NOBLE C. BUTLER, Clerk.

DISTRICT OF INDIANA:

I, John H. Baker, judge of the district court of the United States for said district, do certify that at the date of the foregoing certificate, Noble C. Butler was, and now is, the clerk of the circuit court of the United States, for said district, and that his attestations aforesaid *is* in due form of law.

Witness my hand, this 11th day of November, 1898.

JOHN H. BAKER, Judge.

HARVEY H. CHENEY recalled by the defendant and testified as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. State your name please?

A. Harvey H. Cheney.

2 Q. You are the same Harvey H. Cheney that testified heretofore in this case?

A. Yes, sir.

3 Q. And you are still and have been since the deputy auditor f Tippecanoe county?
A. Yes, sir.
4 Q. I wish you would turn to the assessor's lists of Tippecanoe ounty for the years 1872 to 1880, both inclusive?
A. I can't do it.
5 Q. You may state why you can't do it?
A. I fail to find records of them, those years, that is the assessment lists—in the office.
605 6 Q. What, if any search or examination did you make among the books and records and papers in that office for hese records called for?
A. I made a search of the auditor's record room and those books ere moved to the attic a number of years ago, and I made a search f the attic in the court house. I don't find them there. I have nformation from hearsay that they were taken by the janitor and old to a junk dealer as old paper, some three or four years ago, or ve.
7 Q. You may state whether or not from your own knowledge here were such lists and records in that office?
A. There were such records, yes.

WILLIAM S. BAUGH, recalled by the defendant and testifies as llows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. You may state your name?
A. William S. Baugh.
2 Q. You are the same witness that has heretofore testified?
A. Yes, sir.
3 Q. And you are still treasurer of Tippecanoe county?
A. Yes, sir.
4 Q. What record is that you have in your hands now?
A. It is the tax duplicate of Lafayette, Tippecanoe county for the ear 1872.

On motion of the defendant the following from this record is put nd read in evidence from this record.
Nash, Job M., chattels $184,645, total $184,645, total amount of x $1864.91.

5 Q. What record is that you have in your hand?
606 A. Tax duplicate city of Lafayette, Tippecanoe county for the year 1872.

On motion of the defendant the following from this record is put nd read in evidence. Nash, Job M., chattels $212,225, total $212,225, ne-half tax with road added $1655.35, one-half tax without road 1655.35, total amount of tax assessed $3310.71.

6 Q. What record is this you have before you? (Pointing to book.)
A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1874.

On motion of the defendant the following from this record is offered in evidence in the words and figures following to-wit:
Nash, Job M., chattels $149,255, total $149,255, one-half tax with road added $1052.25, one-half tax without road $1052.25, total amount of tax $2104.50.

7 Q. What record is this you have? (Pointing to book.)
A. Tax duplicate, county of Lafayette, Tippecanoe county, for the year 1875.

On motion of the defendant the following from this record is offered in evidence — the words and figures as follows:
Nash, Job M. chattels $151,545, total $151,545, one-half tax with road added $1015.35, one-half tax without road $1015.35, total amount of tax $2030.70.

8 Q. What is this record you have now before you? (Handing witness record.)
A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1876.

On motion of the defendant the following part of said record reading as follows is put and read in evidence.
1607 Nash, Job M. chattels $174,395, total $174,395, one-half tax with road added $994.05, one-half tax without road $994.05, total amount of tax $1988.10.

9 Q. What record is that you have before you?
A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1877.

On motion of the defendant part of said record reading as follows is put and read in evidence and made a part of this record.
Nash, Job M. chattles $105,910, total $105,910, first installment with road tax $524.25, second installment without road $524.26, total including delinquency $1048.51.

10 Q. What is that record you now have before you? (Pointing to book.)
A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1878.

On motion of the defendant the following part of said record is put and read in evidence as follows:
Nash, Job M., chattles $82,250, total $82,250, first installment with road $349.57, second installment without road $349.56, total tax for the year 1878, $699.13, total tax including delinquency $699.13.

11 Q. What is that record you have now before you?

A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1879.

On motion of the defendant the following part of said record is put and read in evidence as follows:

1608 Nash, Job M., chattles, $79,225, total $79,225, first installment with road tax $324.82, second installment without road $324.82, total tax for the year 1879, $649.84, total tax including delinquency $649.64.

12 Q. What record is that you have now?

A. Tax duplicate, city of Lafayette, Tippecanoe county for the year 1880.

On motion of the defendant the following part of said record is put and read in evidence as follows:

Nash, Job M. chattels $68,805, total $68,805, first installment with road tax $280.82, second installment without road, $240.81, total tax for 1880, $481.63, total tax including denquency $481.63.

Thereupon the further taking of these depositions is continued until Tuesday, October 15, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Tuesday, October 15, 1901—10 o'clock a. m.

Parties met pursuant to adjournment. Present as heretofore and the further taking of these depositions by agreement is continued until the afternoon of the same day at 2 o'clock.

LAFAYETTE, IND.,
Tuesday, October 15, 1901—2 o'clock p. m.

Parties met pursuant to adjournment. Present as heretofore and the following agreement is made a part of this record.

1609 It is agreed by and between the plaintiff and defendant that the taxes on the land of Job M. Nash in White and Montgomery counties, Indiana, have been paid. And it is further agreed that the final distribution of the personal estate of said Nash was made in November, 1894.

Thereupon the further taking of these depositions is adjourned until Tuesday, October 22, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Tuesday, October 22, 1901—10 o'clock a. m.

Parties met pursuant to adjournment. Present as heretofore and the further taking of these depositions by agreement is continued until Thursday, October 24, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Thursday, October 24, 1901—10 o'clock a. m.

Parties met pursuant to adjournment. Present as heretofore and the following is made a part of this record:

ADAM O. BEHM, being first duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. You may state to the commissioner your name, age and occupation, please.

A. Adam O. Behm; I am 62 years old past and my occupation is a lawyer.

2 Q. How long and where have you been practicing law?

A. Since 1861 and in Lafayette.

3 Q. Were you acquainted with Job M. Nash?

A. I was.

1610 4 Q. When did you first become acquainted with him?

A. I am unable to state exactly, but perhaps in 1878 or '9.

5 Q. Did you know him by sight before that?

A. I did.

6 Q. Did you see him after that time in the city of Lafayette, if so how frequently and during what years?

A. I saw him here perhaps in 1881 or 1882. I am unable to state the exact date, and then I saw him subsequently, perhaps in the years 1888 or 1889.

7 Q. You may state how well generally you are acquainted with the business men or people residing in Lafayette or Tippecanoe county, Indiana; during the last twenty-five years, say?

A. Well I think I know nearly every business man in the city at least by sight. I did know a great many more ten years ago than I do now.

8 Q. Did you ever have any conversation with Job M. Nash?

A. I did.

9 Q. Was your acquaintance familiar or otherwise?

A. It was not familiar until along as I said before—my recollection don't serve me exactly—in 1888 or 1889.

10 Q. You may state the fact whether you had a good acquaintance with him from 1880 on till up to the time that he died in 1893?

A. I can't say that I had a good acquaintance with him until the latter part of 1888 or perhaps in 1889.

11 Q. When did you first have a speaking acquaintance with him?

1611 A. I should say when I met him, perhaps in 1877 or 1878.

12 Q. State to the commissioner, if you please, whether or not he resided in Tippecanoe county or city of Lafayette during the time you were acquainted with him?

A. I don't think that he did. I didn't so understand it.

13 Q. What did he say, if anything, to you about his living at Lafayette, or having his residence in Lafayette, or at any other place. if he did?

A. I think it was in 1882 I had a conversation with him in which he abused me for having placed a lot of property on the duplicates for the assessment of omitted taxes. In that conversation he said it

was an outrage, that he didn't live here, that his home was in New York city.

14 Q. What year was that?

A. It was in the year 1882, the taxes were paid in 1881, and that was after the taxes were paid.

15 Q. What years if you recollect?

A. 1877, 1878, 1879.

16 Q. You may state whether or not they were paid?

A. They were.

17 Q. Is that the fact with relation to the taxes of the State, county and city?

A. Both the State, county and city.

18 Q. Do you know the amount of taxes paid on account of the property that you caused to be placed on the tax duplicate as omitted property, state it?

A. Approximately in the county between fifteen and sixteen hundred, and in the city something over nineteen.

1612 19 Q. What sort of property was it?

A. Mortgaged property.

20 Q. As omitted property?

A. As omitted property.

21 Q. Did you have any other conversation with reference to where he lived, or had his residence than the one you have detailed in the evidence?

A. I had a conversation with him in 1888 or 1889, which he opened himself by apoligizing for his bad treatment of me, and in which he again told me he ought not to have paid the taxes here because he lived in New York. I had kept him from getting in a law suit here and he thought very kindly of it.

22 Q. Do you know how frequently he was in Lafayette during the time you had an acquaintance with him?

A. My recollection is that Mr. Nash was not here very much from 1881 until 1888 or 1889.

23 Q. He was not here much?

A. He was not here much.

24 Q. What was his appearance in respect to being noticeable or a man to be remarked?

A. He was a tall fine looking gentleman, gray hair and whiskers; a man that would be noticed.

25 Q. Were you acquainted with his wife?

A. No, sir.

26 Q. Did you ever see his wife?

A. I think not.

27 Q. Did you see his children here?

A. I don't believe I did.

Cross-examination by Mr. WOOD, counsel for plaintiff:

28 Q. Captain Behm, notwithstanding the fact that he told you that he lived in New York his taxes for omitted property
1613 was paid nevertheless?

A. He claimed that his agent- here, Andress & McCorick ought not to have paid them——

29 Q. What was this omitted property for?

A. It was for mortgaged lots that I can remember now. He had taken mortgages and when I looked at the returns I only found a certain part returned for taxation, that is I didn't find them returned, these instruments returned for taxation and I returned them.

30 Q. I will ask you if it is not true that for the years that you have named in which you have put on the omitted property against Mr. Nash, that during those same years he did report other personal property for each of those years?

A. That I am now unable to state what it was in this particular case I don't know.

31 Q. Don't you remember as a matter of fact that for each of the years you have named that assessment blanks were fil-ed out either in person or by his agents, and in which he enlisted certain personal property other than the property that was omitted and afterwardsit was put on?

A. I have no knowledge of it.

32 Q. In this conversation in which he told you that he lived in New York, it was a conversation concerning your placing this property on the tax duplicate?

A. Yes, he stopped me on my way home at the Lahr house.

33 Q. That you think was in 1882?

A. That is my best recollection that was.

34 Q. At that time he said his residence was in New York city?

1614 A. Yes, sir that is what he told me.

35 Q. Do you know how many other residences in the country he was claiming at that time?

A. No, sir, I don't.

36 Q. Now, you may state for what years it was that you placed the omitted property on the duplicate for Mr. Nash?

A. 1877, 1878 and 1879.

37 Q. State as nearly as you can what the aggregate amount was for each year?

A. That I cannot say.

38 Q. Have you no memoranda by which you can refresh your memory?

A. I cannot. There was a memoranda handed me this morning.

39 Q. Who handed you that memoranda?

A. Judge Langdon handed me the memoranda.

40 Q. Did you compare it with anything to see whether it was correct?

A. Yes, I had already furnished them with the amount of taxes hat had been paid by Mr. Nash from my books at my office.

41 Q. Have you not the original books of memoranda from hich you furnished this memoranda to Mr. Langdon?

A. I don't —; I had a book in my office——

The plaintiff insists that the witness would refresh his memory rom the memoranda furnished him by the counsel for the defend-nt before we proceed further, that he may thereby inform himself s to the amount of the property put on by him as omit-ed property or each of the years 1877, 1878 and 1879.

1615 JACOB F. MARKS, being first duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. State your name and age?

A. Jacob F. Marks, 63 years past.

2 Q. Where do you live?

A. In Lafayette.

3 Q. How long have you lived in Tippecanoe county and city of Lafayette?

A. All my life.

4 Q. You were treasurer of Tippecanoe county?

A. Yes, sir.

5 Q. What years?

A. August 1867 to August 1871.

6 Q. You were deputy treasurer of this county also?

A. Yes, sir.

7 Q. When?

A. In 1889 to 1893. Then I worked in the office more or less.

8 Q. Were you acquainted with Job M. Nash?

A. Yes, sir.

9 Q. When did you become acquainted with him?

A. I don't know the exact year, but it was the forepart of the 70's, 1871 or 1872, somewhere along there.

10 Q. How long did your acquaintance with him last, continue?

A. Up to the time of his death.

11 Q. How frequently did you see him during your acquaintance with him in Lafayette?

A. I saw him quite frequently. He was visiting here various times. He spent some time here.

1616 12 Q. Did you have any personal business with him?

A. I don't think that I had any private or personal business with him.

13 Q. What is the fact that you had a speaking acquaintance with him during that time?

A. A speaking acquaintance.

14 Q. Where did he live during the time that you were acquainted with him?

A. New York was my understanding.

15 Q. Did he reside or live in Lafayette or Tippecanoe county?

A. No, sir.

16 Q. Did you ever have any conversation with him about his home, or where he lived, or place of residence?

A. On one occasion I remember.

17 Q. When was that?

A. Well, I don't know whether it was in the latter part of 1879 or 1880. I know he was visiting here. It was at the time they were voting here.

18 Q. You may state the conversation?

A. The substance, we were talking about the mode and manner of our elections here and in New York. He thought it would be better if we had a registration law here as they had in New York.

19 Q. Anything else in that conversation that you recollect?

A. Well, I don't know only a general conversation about elections. There were several of us together at that time.

20 Q. Did he say in any conversation, did he say to you what he was doing or what brought him to Lafayette at that
1617 time?

A. Visiting his brother-in-law and his sister out here; looking after some business matters he had; some farms he had.

21 Q. Were you acquainted with Mrs. Job Nash?

A. I was not.

22 Q. Did you ever see her that you know of?

A. Not to my knowledge.

23 Q. Did you ever see his children, or either of them?

A. Not to my recollection.

Cross-examination by Mr. WOOD, counsel for plaintiff:

24 Q. In that conversation, Captain, did he say anything to you about the amount of money he had loaned in this and adjoining counties?

A. No, sir, not that I recollect of.

25 Q. Did he say anything to you about the number of mortgages he was holding on farms in this and adjoining counties?

A. Not that I recollect of.

26 Q. Did he say anything about who was conducting his business here for him at that time?

A. I don't think that he did; I don't remember such things now.

27 Q. Do you know who was conducting his business for him at that time?

A. What year?

28 Q. I have reference to the year in which you had the conversation with him concerning the election?

A. I think Mr. Buck was attending to his business at that time.

29 Q. The conversation that you have detailed the substance of which you have detailed is the only one that you had with him that you recall concerning his residence?
. No, I can't say that positively, because my understanding was he was a resident of New York.
) Q. Did you arrive at that understanding from conversation had with him, or from your assuming that that was the fact?
. I arrived at that from the conversation with him and various ies, with his brother-in-law, Thomas Wood.
1 Q. What part of New York did you understand his residence e?
. City of New York.
2 Q. You don't know as a matter of fact of how many places in York that he claimed as his home?
. No, sir.
3 Q. You don't know as a matter of fact how many States in the on he claimed as his home?
.. No, sir.

ADAM O. BEHM, recalled by the plaintiff and testifies as follows:

Cross-examination by Mr. HANLY, counsel for plaintiff:

Q. Mr. Behm you now have refreshed your memory, have you, o the amount of property placed on the duplicate for the years 7, 1878 and 1879, by you as belonging to Mr. Nash as being it-ed property?
A. I have.
2 Q. You may state the amount of the property placed on the duicate for each of the three years?
A. For 1877, $40,235; for 1878, $57,333; for 1879 $55,986.
19 3 Q. You refreshed your memory from the records?
A. I refreshed my recollection from the tax assessment oks in the county treasurer's office for the year 1879. That is here they are found.
4 Q. Does the $40,235 put on by you as omitted property repret all the personal property with which Mr. Nash was assessed in ppecanoe county for the year 1877?
A. That I am unable to state. This is the amount that he should ve paid taxes on, that is, what he ought to have paid taxes on for at year and so with the other years.
5 Q. You say, Captain, that in the conversation with you in which e criticized you in having placed this property on the duplicate, e claimed that his agents, Andress & McCormick, ought not to have aid these taxes?
A. That is what he claimed.
6 Q. He said to you that Andress was his agent here?
A. I know that Andress was his agent in making loans for him.
7 Q. And he said Andress was his agent?

A. He said that Andress & McCormick ought not to have paid the taxes. McCormick was the bookkeeper in the office here.

8 Q. Mr. Nash had an office here?

A. There was an office here in the building where the Trader's bank now is. That is where I always found Andress when I wanted to borrow any money for my clients.

9 Q. You at times borrowed money of Mr. Andress for clients of yours?

1620 A. Yes, sir.

10 Q. And that money was money of Mr. Nash?

A. Mortgage made in his favor.

11 Q. Made in his name?

A. Yes, sir.

13 Q. And Mr. Andress was conducting a mortgage loaning business for Mr. Nash, was he not?

A. Yes, sir.

JAMES MURDOCK being first duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. You may state your name and age and residence?

A. James Murdock, 64 years, Lafayette.

2 Q. How long have you resided in Lafayette and Tippecanoe county?

A. Forty-eight years I think, come in 1853 I think.

3 Q. You were the sheriff of this county at one time?

A. Yes, sir.

4 Q. What year?

A. In 1869 or 1870, I couldn't tell exactly.

5 Q. You were the warden of the Northern prison of Indiana?

A. Yes, sir.

6 Q. What years?

A. I left there twelve years ago last March, and I was there twelve years.

7 Q. During the time that you were warden of the Northern prison you may state where your residence was, your home?

A. I always claimed Lafayette as my home during the time I was warden.

1621 8 Q. What is the fact as to your visiting the city of Lafayette during the time that you were warden, frequently or otherwise?

A. I was here very often.

9 Q. You are now president of the Merchants National Bank of Lafayette?

A. Yes, sir.

10 Q. How long have you been president?

A. Ten years.

11 Q. Were you acquainted with Job M. Nash?
A. Yes, sir.
12 Q. When did you first become acquainted with him?
A. I think the first time I ever met him was at Michigan City
hen Mr. L. Wood was warden.
13 Q. When was that?
A. It was a good many years ago. It was when Mr. Wood was
arden.
14 Q. Did you succeed Mr. Tom Wood as warden of the Northern
ison?
A. No, sir.
15 Q. Approximately how long have you been acquainted with
m?
A. I must have been acquainted with Mr. Nash for over thirty
ears.
16 Q. Did you have any private business relations with him?
A. I had not, unless it would be to sit in caucus to fix plans to
eat the Republicans.
17 Q. You may state whether or not your acquaintance was quite
timate, familiar or otherwise?
A. It was both.
18 Q. How frequently did you see him in Lafayette during your
acquaintance in Lafayette?
622 A. Well, whenever he was here I would see him mostly
every day. I hardly ever got here that I did not see him.
19 Q. During the time that you got acquainted with him you
ay state where he lived or had his residence?
A. I could not tell you where he lived, only what he told me.
20 Q. Did he ever visit you?
A. No, he never visited me. I stopped at the hotel where he
topped at New York.
21 Q. Did he live or reside in Lafayette during your acquaint-
nce?
A. I think not.
22 Q. Did you ever have any conversation with him in Lafayette
bout his home or where he lived or where he had his residence at
hat time?
A. Yes, sir, I had a conversation with him. I think it was the
irst time that Mr. Cleveland run for President and I remember dis-
inctly about him telling me that he had to go home to register so
he would not lose his vote.
23 Q. What did he say he had to go home to New York for?
A. To register his citizenship so he would not lose his vote.
24 Q. It was either at the time Hancock was running for Presi-
lent or the first time that Cleveland ran?
A. Yes, sir.
25 Q. If you had any other conversation with him in Lafayette in
relation to that subject matter, you may state it?
A. I didn't have in Lafayette; I did in Michigan City.

26 Q. You may state what it was and when it was?

A. When I was warden he visited me, staid four or —
1623 days at my house and I remember him talking to me about our laws in Indiana governing prisons were not at all like the laws of New York, or as good as the laws of New York.

27 Q. Anything else in that conversation?

A. Not that I remember, he talked all the time.

28 Q. When he was here and you met him you say you had conversations with him?

A. Yes, sir.

29 Q. Did he speak to you in either one of those conversations in relation to where his wife was or his home was or where he lived?

A. I have no recollection. I met his wife in New York.

30 Q. Did you ever meet her here?

A. I met her here once?

31 Q. When was it you met Mrs. Job M. Nash in Lafayette?

A. It must be about—along about 1875 I think, it may be latter than that.

32 Q. How long was she here?

A. I couldn't tell how long she was here; she was at the Lahr house.

33 Q. Was Mr. Nash here at that time?

A. Mr. Nash was here at that time.

34 Q. Where was Mr. Nash stopping?

A. At the Lahr house.

35 Q. Did you ever see either one of his children or his children here at Lafayette?

A. No, I never seen them. I heard him talk about them.

36 Q. Did he speak to you on the subject of his children and wife in Lafayette?

A. The only thing he ever spoke to me about was his
1624 monument he had in some cemetery in New York and where he expected to be buried. I remember that because I was talking about monuments at the same time myself.

37 Q. When was it that you had this conversation?

A. I could not give the date.

38 Q. Approximately?

A. It was between 1870 and 1880, and maybe it was later than 1880.

39 Q. You say that you had visited him in New York?

A. I called on him at the Park Avenue hotel. I called on him twice.

40 Q. What year was that if you recollect?

A. I can't tell. It must have been twelve or fifteen years ago.

41 Q. Whom did you meet at that hotel of his family, if any one?

A. Himself and wife.

42 Q. Did he ever say to you when you were visiting him at his home or hotel, how long he had lived there?

A. I have no recollection. He had been living there some time.

43 Q. What were the appearances of the room, if you recollect?
A. He had two rooms. They opened into a court in the hotel.
44 Q. How long was the time between the two visits to Mr. Nash and Mrs. Nash at the Park Avenue hotel in New York city?
A. I think it was about a year, but I met Mrs. Nash after Mr. Nash had died at the hotel there on Fifth avenue, I can't tell the name of the hotel. I stopped at the hotel where she stopped.
1625 45 Q. Mr. Nash took some interest in politics, you say?
A. Yes, I think every one knows that. I know he took delight in abusing the Republicans on the street corners.
46 Q. You say you met him and caucused with him about beating the Republicans?
A. Yes, Mr. McGinley was one of them.
47 Q. You may state whether they were official meetings?
A. No, sir. It was a meeting in October.
48 Q. It was not an official meeting?
A. No, sir.
49 Q. Just a meeting of Democrats?
A. Yes, sir.
50 Q. You may state whether or not he was a member of the Democratic executive committee or central meeting here?
A. No, sir, not to my knowledge.

Cross-examination by Mr. HANLEY, counsel for plaintiff:

51 Q. His planning with you to beat the Republicans was local to Lafayette, Indiana, was it?
A. Yes, sir.
52 Q. He seemed to be interested in Tippecanoe county and Indiana politics?
A. He always talked about it, not particularly Lafayette or the State of Indiana any more than any other State.
53 Q. You say you met him in caucus and planned to beat the Republicans, the Republicans of what place?
A. Of Lafayette and the State of Indiana on national politics, it was one of the times.
54 Q. You have been president of the Merchants national bank for ten years?
1626 A. Yes, sir.
55 Q. During that time was Mr. Nash a depositor in that bank at any time?
A. Mr. Buck kept a deposit of Mr. Nash in that bank.
56 Q. Who was Mr. Buck?
A. The man sitting there. (Pointing to Mr. Buck.)
57 Q. Was Mr. Buck Mr. Nash's agent?
A. I always understood so.
58 Q. Mr. Buck deposited the money in Mr. Nash's name, or in the name of James Buck, agent?
A. That I couldn't tell you in what name. I understood it was

Mr. Nash's account; what the books of the bank would show I don't know.

59 Q. How many years did Mr. Buck keep an account in the Merchants bank as agent of Mr. Nash?

A. He commenced shortly after the bank was opened, I don't know the books would have to tell you that.

NOAH JUSTICE being first duly sworn testifies as follows:

Direct examination by JUDGE LANGDON, counsel for defendant:

1 —. You may state your name?

A. Noah Justice.

2 Q. Where do you reside?

A. Lafayette.

3 Q. How long have you lived in Lafayette and Tippecanoe county?

A. I have lived in Lafayette thirty years, in the county a little over sixty-two.

4 Q. You are the mayor of the city of Lafayette?

A. Yes, sir.

5 Q. You have been since when?

A. Since the fall of 1894.

1627 6 Q. You are a lawyer of this bar?

A. I have been admitted. I am not a practitioner.

7 Q. Were you acquainted with Job M. Nash?

A. Yes.

8 Q. When did you first become acquainted with him?

A. I think I first met him in Mr. Wood's office, along about 1870.

9 Q. How long did your acquaintance continue?

A. Up to the time of his death, whenever I saw him.

10 Q. How frequently did you meet him in Lafayette during your acquaintance with him each year?

A. It would be pretty hard to state, perhaps I saw him once a year and perhaps twice a year.

11 Q. Did you have any conversation with him about where he lived?

A. No, sir.

12 Q. Did you ever have any private business with him?

A. No, sir.

13 Q. Was your acquaintance more than a speaking acquaintance?

A. I had a speaking acquaintance with him. I had no personal acquaintance.

14 Q. You may state what your acquaintance with the business men of this community and in Lafayette have been the last thirty years?

A. Well acquainted.

15 Q. Whether general or not?
A. Well acquainted.
16 Q. Did Job M. Nash live in Lafayette or Tippecanoe county during the time of your acquaintance?
A. I never knew him to have a residence here.
17 Q. Did you know of him living in the city of Lafay-
1628 ette, Indiana, during the time of your acquaintance with him?
A. I did not regard him as a resident here during my acquaintance with him.

Plaintiff objects to the witness stating how he regards Mr. Nash as it is only a conclusion.

18 Q. As a matter of fact did he live in Lafayette or Tippecanoe county that you know of?
A. No, sir.
19 Q. If you know you may state where he staid when he was here during the time of your acquaintance with him?
A. As far as I recollect at the Lahr house. I seen him at the Lahr house.
20 Q. In the Lahr house a public hotel in Lafayette?
A. Yes, sir, Lafayette, Indiana.

C. H. ANKENY being duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. What is your name?
A. C. H. Ankeny.
2 Q. What is your business?
A. Jeweler.
3 Q. Where?
A. Lafayette, Indiana.
4 Q. How long have you resided in Lafayette, Indiana?
A. About twenty-seven years.
5 Q. How long have you been in business in Lafayette?
A. The same amount of time twenty-seven years.
6 Q. Where is your place of business?
A. On the east side of the square.
7 Q. State whether you have a general acquaintance with
1629 the citizens of Lafayette and the county of Tippecanoe?
A. Yes, sir.
8 Q. Were you acquainted with Job M. Nash?
A. Yes, sir.
9 Q. When did you become acquainted with him?
A. In 1878—I don't remember just the year.
10 Q. What was the character of your acquaintance with Mr. Nash with respect to being extensive, familiar, or otherwise?
A. It was a general acquaintance.
11 Q. Social acquaintance with him?

A. I couldn't say a social acquaintance. He never visited at my house.

12 Q. How frequently did you see him in Lafayette during the time you were acquainted with him?

A. Every year. I don't remember the time. Very frequently.

13 Q. When you say frequently you mean often at each visit?

A. Quite often.

14 Q. Were you acquainted with Mrs. Job M. Nash before his death?

A. I think I met her once.

15 Q. Where?

A. At the Lahr house.

16 Q. City of Lafayette?

A. Yes, sir.

17 Q. What year if you recollect?

A. Along in 1883, 1884 or 1885, I don't remember. She was in the store. I met her at the Lahr house.

18 Q. You couldn't say whether it was or not?

A. No, sir.

1630 19 Q. Did you ever see his children?

A. Never did.

20 Q. Where other than the Lahr house was he stopping or staying when he was in Lafayette?

A. I don't know that he was stopping any other place than stopping at the Lahr house.

21 Q. Did he ever speake to you about where he lived or had his home or resided?

A. He did.

22 Q. What did he say?

A. He spoke to me several times stating that he was on a visit to Lafayette from his home in New York, and one particular time that I remember he was going out West he came in the store and left his fine gold watch and asked me to give him a cheap one. He intended to get one at New York but did not do it. He frequently done that when he went on his trips.

23 Q. If you recollect any other conversation on that subject matter you may state it.

A. Only that our laws here were not as good as the election laws in New York.

34 Q. When was this conversation that you had with him, when he left his watch, what year was it?

A. I couldn't tell. It was back in the '80's.

25 Q. Did he say at that time where he was going?

A. Going West; I don't remember.

26 Q. Did you have any other conversation on that matter?

A. No, sir, nothing with reference to where he lived.

27 Q. You may state whether or not he did speak to you on the subject matter of where he lived, or where he was going

1631 other than the particular conversations that you gave?

A. I don't remember any other.

28 Q. Did he talk to you on the subject matter of his home, or residence, or where he lived on other occasions when he was in Lafayette than those two conversations which you have particularly spoken of?

A. I don't recollect any particular one.

RELIEF JACKSON being first duly sworn testifies as follows:

Direct-examination by Judge LANGDON, counsel for defendant:

1 Q. State your name and age?

A. Relief Jackson, 74 years of age.

2 Q. How long have you lived in Lafayette?

A. Since 1832.

3 Q. What is your business?

A. Merchant tailor.

4 Q. How long have you been in business?

A. In business since 1886.

5 Q. Here in Lafayette?

A. Yes, sir.

6 Q. You may state whether or not you are generally acquainted with the people of Lafayette and Tippecanoe county?

A. Yes, sir.

7 Q. And have been or not?

A. Oh, yes.

8 Q. Were you acquainted with Job M. Nash?

A. In a business way.

9 Q. When did you first become acquainted with Job M. Nash?

A. I don't know if I can give the year; since he came to
1632 town. I recollect when his brother-in-law kept the Bramble house. I should say during the war.

10 Q. Before the war?

A. Yes, in 1858, and the war commenced in 1861.

11 Q. From 1870 up to the time of his death you may state whether Job Nash lived in Lafayette or Tippecanoe county.

A. Only as a visitor.

12 Q. Do you know whether he had a home or residence in Tippecanoe county during that time?

A. I don't know.

13 Q. Did you see him frequently during the time he was here?

A. Yes, sir.

14 Q. How frequently did you see him, if you did, in Lafayette, Indiana?

A. When he came to town and when he had business with me he came to my store. I made several suits for him.

15 Q. You made clothes for him?

A. O, yes.

16 Q. Did you ever have any talk with him about his home or residence?

A. Not in Lafayette. I saw him in New York where I staid. He didn't speak about his residence, but he stopped there and he lived there.

17 Q. When was the first time that he told you in New York that his home was in that hotel, or that he was living there?

Plaintiff objects on the ground that the witness had never been told that he lived at the hotel.

A. Well, I should think it was along about 1885 or 1886, along there.

1633 Cross-examination by Mr. HANLY, counsel for plaintiff:

18 Q. Mr. Nash never told you that he lived at the hotel?
A. He told me he was stopping there.
19 Q. He was just stopping there?
A. Yes, sir.

F. E. D. McGINLEY being first duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. You may state your name?
A. F. E. D. McGinley.
2 Q. Age?
A. Seventy-two.
3 Q. Where do you reside?
A. Lafayette.
4 Q. How long have you lived in Lafayette?
A. Something over forty-four years.
5 Q. You have been the mayor of the city of Lafayette?
A. Yes, sir.
6 Q. How many times?
A. Of Lafayette, six times.
7 Q. State whether or not in the last twenty-five years you have been generally acquainted with the citizens of Lafayette and Tippecanoe county or not?
A. Yes, I had a general acquaintance.
8 Q. Were you acquainted with Job M. Nash?
A. Oh, yes.
9 Q. When did you first become acquainted with him?
A. The latter part of the '50's I think.
10 Q. How long did your acquaintance with him continue?
A. Up to the time of his death.

11 Q. What was his appearance in respect to being notice-
1634 able or otherwise, prominent or otherwise?

A. Yes, he was, attracted attention, his general appearance.

12 Q. Did I understand you to say that you were quite familiar?

A. He was a customer of mine. I was a jobber and he supplied me more than any one else.

13 Q. From 1870 up to the time of his death did he reside in Lafayette, Tippecanoe county?

A. No, sir.

14 Q. Did you ever have any conversations with him in relation to the place where he lived, or where he resided, or had his home or that general character?

A. I have heard him express regret that he could not vote for me.

15 Q. When was that?

A. He said it several times.

16 Q. What was the occasion of him expressing himself, were you running for office?

A. Yes, sir.

17 Q. What office?

635 A. Mayor.

18 Q. Of where?

A. Of the city.

19 Q. What did he say if you recollect why he couldn't vote for you?

A. Because he lived elsewhere.

20 Q. Where did he say he lived, if he did say anything on the subject?

A. Well, he always talked of New York to me.

21 Q. Were you acquainted with Mrs. Job M. Nash?

A. I never met her but once.

22 Q. Where?

A. I believe it was at the Lahr house.

23 Q. Did you ever see either one of his children here or both of them?

A. No, sir.

24 Q. Did you ever visit him in the city of New York?

A. No, sir, never was in New York when he was there.

25 Q. Where was he stopping when you met him in Lafayette when he was there?

A. He seemed to be mainly a guest of the Lahr house.

26 Q. How frequently did you see him annually if you did during the time from 1870 up to the time that he died?

A. Well, I couldn't say exactly.

27 Q. Once, twice or three times?

A. He used to call on me. My office was opposite of the Lahr house. We were old friends. We talked politics occasionally.

28 Q. State whether or not you were the publisher of a paper?

A. Yes, sir.

636 29 Q. What paper and when?

A. Sunday Leader for ten years from 1874 to 1884.

30 Q. Where?

A. Right opposite the Lahr house in the city of Lafayette.

AUSTIN L. KUMLER, being first duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. Please state your name, age and residence?

A. My name is Austin L. Kumler; I am fifty-seven years old, and reside in Lafayette, Indiana.

2 Q. What is your business?

A. Practising law.

3 Q. How long have you been practising law in Lafayette?

A. Since 1869.

4 Q. You were prosecuting attorney of this county?

A. Yes, sir.

5 Q. You may state whether or not during the last twenty-five years your acquaintance with the people of the city of Lafayette and Tippecanoe county has been general or otherwise?

A. I think for the last twenty-five years I have a general acquaintance with the people of Lafayette.

6 Q. Were you acquainted with Job M. Nash?

A. I was.

7 Q. When did you first become acquainted with him, approximately?

A. I became acquainted with Job M. Nash in the early part of the 70's, say along about 1872 or 1873.

8 Q. How long did that acquaintance continue?

A. I knew him up to the time of his death from that time 1637 on.

9 Q. Was your acquaintance general or more than general?

A. Well, I think I was very well acquainted with him. I thought I was. I met him several times.

10 Q. During that period?

A. Yes, sir.

11 Q. During the time that you were acquainted with him you may state whether he resided in Lafayette or Tippecanoe county?

A. He did not.

12 Q. Did you ever have any conversation with him in which he spoke to you in Lafayette about where he lived or had a home or a residence, or anything of that sort?

A. I don't recall that I ever talked to him about his residence, but I heard him say on one or two occasions he was a resident of the city of New York. He used to make political speeches on the door steps and street corners and at the Lahr house and at political times he had large crowds about him. I heard a number of his speeches. He was a wonderful Democrat. I saw him once on the bank steps making a speech with his hat in one hand and his cane in the other.

13 Q. When was it you heard him speak about his home?

A. Oh, I couldn't recall, some time during the 80's, I should think

it was nearer the time of the campaign of Mr. Cleveland and Mr. Blaine in 1884.

14 Q. With relation to that time had he theretofore spoken in your presence about his residence or where he voted or where he lived?

A. I think he had, but I don't know where it was.

1638 15 Q. From him or others?

A. From himself and others, too.

STEPHEN O. TAYLOR being duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. What is your name, age and residence?

A. Stephen O. Taylor, sixty-four years old, all that time in Lafayette.

2 Q. You say you lived in Layfayette how long?

A. Sixty-four years.

3 Q. What is your business?

A. I am in the stable business; horse business.

4 Q. You were sheriff of the county?

A. Yes, sir.

5 Q. From when to when?

A. 1879 to 1883, sheriff of Tippecanoe county.

6 Q. Were you acquainted with Job M. Nash?

A. Yes, sir.

7 Q. How long have you known him?

A. I have known Job Nash since 1856 or 1857.

8 Q. Where did you see him during your acquaintance?

A. I first saw him at the Brambie house.

9 Q. After that you saw him how frequently from 1870 on up to the time he died?

A. Every time he came, excepting if I was away from town.

10 Q. How frequently did you see him?

A. Almost every day I dropped in there at the office. We were friends.

11 Q. During the years from 1870 to the time of his death

1639 did he live or reside in Lafayette or Tippecanoe county?

A. No, I think not.

12 Q. Did you have during the time you were acquainted, say from 1870 to the time he died, any conversations with him and in which he spoke to you in relation to his home, or where he lived, or his residence, or of that sort, if he did you may state it, if you recall any?

A. I think he did.

13 Q. What was the conversation?

A. I think it was when I run for sheriff. He said, "Steve, I would like to vote for you if I could." He said he had no vote here.

14 Q. What year was that?
A. Well, it was 1879 to 1893, somewhere along there.
15 Q. Was it the first time or the second time?
A. I could not say that.
16 Q. Where, if he did state anything about his place of voting or had a right to vote you may state it?
A. I don't know whether he ever stated, that is my recollection about it.
17 Q. Do you recollect any other particular conversation in which he mentioned or spoke in relation to his home or residence or place of abode?
A. I don't know that I could in particular.
18 Q. Do you have any recollection of his speaking of that at any other times?
A. I don't remember.
19 Q. Where did he stop or stay when you saw him here?
A. Why, I think he stopped with his sister, Aunt Tiny. I knew her very well. I think he stopped there. I am not sure
1640 though.

Cross-examination by Mr. HANLY, counsel for plaintiff:

20 Q. You say you dropped into his office and talked to him there?
A. Yes, sir, we were right good friends.
21 Q. Where was his office?
A. I think it was the same that Mr. Buck was in and Andress and young Wood was running his affairs then I think, that is my recollection now.

Thereupon the further taking of these depositions is continued until Thursday, October 24, 1901, at 2 o'clock p. m.

LAFAYETTE, IND.,
Thursday, Oct. 24, 1901—2 o'clock p. m.

Parties met pursuant to adjournment. Present as heretofore and the further taking of these depositions is continued as follows:

WM. S. WALKER, being first duly sworn testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. Doctor, you may state your name?
A. William S. Walker.
2 Q. Where do you live?
A. I live in Lafayette, 613 Ferry street.
3 —. How long have you resided in Lafayette?
A. Twenty-four years last January.
4 Q. What is your business?

A. I am a physician, and surgeon.
5 Q. How long have you been practising the profession?
A. Over thirty years.
6 Q. Where?
1641 A. In this county.
7 Q. And city?
A. And city.
8 Q. You may state whether or not you have and have had for twenty-five years a general acquaintance among the people of the city of Lafayette and Tippecanoe county?
A. I have.
9 Q. What office do you now hold, if any?
A. Trustee of the schools.
10 Q. Of the city of Lafayette?
A. Yes, sir.
11 Q. And also a member of the city council for a number of years?
A. Yes, sir.
12 Q. And what other official position have you had?
A. I was health officer for three or four years.
13 Q. Where?
A. Lafayette. This is my second term for school trustee.
14 Q. For the city of Lafayette?
A. Yes, sir.
15 Q. Were you acquainted with Job M. Nash?
A. I was.
16 Q. When did you first become acquainted with him?
A. Between twenty-four and twenty-five years ago, somewhere along there, I can't exactly remember.
17 Q. To what extent were you acquainted with him?
A. Well, I had what you would call a friendly acquaintance. I would speak to him when I would meet him until later on I became intimately acquainted with him.
1642 18 Q. When did you become intimately acquainted with him?
A. In June, 1890.
19 Q. During the time of your acquaintance you may state whether you saw him in the city of Lafayette?
A. Only at intervals.
20 Q. Did you see him as often as once a year at that time?
A. I couldn't say whether that often, possibly I might once in two years.
21 Q. Where did he live or reside or have a residence, do you know?
A. He said he lived in New York.
22 Q. Did he live and reside in Lafayette, Tippecanoe county?
A. Never to my knowledge.
23 Q. Did you have any conversation at any time with reference to the subject matter of his residence was spoken of?

A. Yes, sir I did.

24 Q. When was the first time that you recall?

A. It was in June, 1890.

25 Q. Did you ever attend him as a physician?

A. Yes, sir.

26 Q. When?

A. In June, 1890.

27 Q. Where and when was he sick?

A. He was sick at the Lahr house. Well, I don't know how long he was sick. That was in June, 1890.

28 Q. What was the nature of the sickness?

A. Well, he had chronic inflammation of the bladder and enlarged prostrate glands and urethritis.

29 Q. How long was he ailing?

1643 A. I treated him I think very near three or four weeks.

30 Q. Was his wife here?

A. No, sir.

31 Q. At that time?

A. No, sir.

32 Q. Did you ever see any of his children here?

A. Never.

33 Q. During that time that you had that conversation you speak about what was it he said?

A. He wanted a sewer extending along from the Pearl river—sewer there by the Lutheran school, church used to be and he wanted a sewer extended up to his sister's so she could have a bath room. He asked me if I wouldn't have the council put in a sewer. I had only been a member a short time, this was in June and I was appointed in May. Mr. Nash asked me to see about it and I said to him, "You would have more influence than I would." And he said, "No, I am not a citizen of Lafayette, I live in New York." I remember that he said he wouldn't live in this city with a little damn to it. We talked on a good deal about it and I finally told him I would talk to the different members about it but I said he would have to get some of his sister's neighbors to help pay the expenses. He had lived in New York in some hotel.

34 Q. Did you at any other time have a conversation with him with reference to where he lived or abode?

A. Yes, sir.

35 Q. Prior to that?

A. One time he said he lived in New York.

1644 36 Q. When was that?

A. That was about the election time. It was when General Hancock was running for President. It was at the Lahr house; he was excited about politics.

37 Q. He was in favor of Hancock?

A. Yes, sir.

38 Q. What did he say then?

A. He said his home was in New York.

39 Q. How did that matter come up?
A. Well, I don't know as I can specify. He was talking about voting. He said he couldn't vote any place than New York, that was his residence.

Cross-examination by Mr. HANLY, counsel for plaintiff:

40 Q. He said he wouldn't live in the damn city of Lafayette?
A. Yes, sir.
41 Q. Did he tell you why?
A. No, sir.

Thereupon the further taking of these depositions is adjourned until Monday, October 28, 1901, at 2 o'clock p. m.

LAFAYETTE, IND.,
Monday, October 28, 1901—2 o'clock p. m.

The parties met pursuant to adjournment, and present as heretofore, and the further taking of these depositions is continued as follows:—

JAMES H. MITCHELL being first duly sworn testifies as follows:

Direct-examination by Mr. HANLY, counsel for plaintiff:

1 Q. You may state your name?
1645 A. James H. Mitchell.
2 Q. Where do you live, Mr. Mitchell?
A. Lafayette.
3 Q. How long have you lived in Lafayette?
A. Since 1865.
4 Q. What, if any, official position in the city government of Lafayette did you hold on the 7th day of Jan. 1897?
A. City treasurer.
5 Q. If as city treasurer you made any demand upon James Buck the defendant in this case for the payment of taxes due from the estate of Job M. Nash to the city of Lafayette, you may state the fact?
A. I did.
6 Q. What, if anything, did you say to him?
A. I went to his office or his place of business on Ferry street and made demand, told him I had a receipt ready to give to him and he declined paying it.
7 Q. What, if any, demand did you then make for the mortgages and notes and choses in action he had belonging to him as trustee of the estate of Job M. Nash?
A. I have forgotten exactly what demand was made upon that. I recollect what answer was given me.
8 Q. What is the fact as to your making demand for the choses that you might levy on them?

A. I made that demand.

9 Q. What did he say in answer to that?

A. He said he was an officer of the court at Cincinnati Ohio, and if they demanded the securities he would furnish them there.

1646 10 Q. Take them down there?

A. Take them there.

11 Q. Did he refuse to turn them over to you?

A. He did.

Cross-examination by Judge LANGDON, counsel for defendant:

12 Q. When was this?

A. In 1897; in the winter of 1897.

13 Q. Can't you fix it as to some month?

A. It was November and December.

Mr. HANLY: The 7th day of January.

The WITNESS: I know it was in the winter, but I have forgotten.

By Mr. HANLY:

14 Q. The mortgages and notes and choses in action which you demanded were the mortgages, notes and choses in action that had been placed by the auditor on the tax duplicate of the county, and that had been placed by the clerk upon the tax duplicate of the city, were they not?

A. Yes, sir.

By Judge LANGDON, counsel for defendant:

15 Q. What did you say to him?

A. I went with the receipt already made so that if he would give me the money or the equivalent, I could turn it over and I made that statement to him.

16 Q. What did you say to him?

A. I couldn't remember the exact words. All I can give you is the substance. I made a demand for the taxes due to the city at that time.

17 Q. You just said to him I want you to give me the taxes due to the city?

1647 A. That was the first demand.

18 Q. What was the second demand?

A. The second demand was for the securities.

19 Q. What did you say?

A. I made that same demand.

20 Q. What language did you use or the substance of the language?

A. I couldn't remember the exact language.

21 Q. Give it approximately, the substance of it?

A. I said I would make a demand for any payment that was due, or a demand that I suppose the city had any right to make.

22 Q. What did you actually say to him if you cannot give the language of your demand then give the substance of it as near as you recollect it, Mr. Mitchell?

A. I cannot remember the words that I used, just simply that I made the demand.

23 Q. Demand for what?

A. First for the money and then for the securities.

24 Q. What securities?

A. For the securities he was supposed to hold.

25 Q. What did you say? Did you say I demand the securities you are supposed to hold?

A. Words to that effect; I couldn't say exactly.

26 Q. You didn't descrive any particular security?

A. No, sir.

27 Q. Nor any mortgage?

A. No, sir.

28 Q. But asked him to deliver to you any securities he was supposed to hold?

A. Yes, sir.

29 Q. Was that the substance of the conversation?

1648 A. That is the substance of it as I remember it.

By Mr. HANLY:

30 Q. That is to give you the securities he held as trustees under the Nash will?

A. Yes, that is what I had reference to.

By Judge LANGDON:

31 Q. You didn't say that awhile ago?

A. The receipt that I took at that time was a receipt in full for the Nash affairs and the whole conversation was upon that one case and upon no other.

32 Q. What you stated to him was not on paper, was it; you didn't put it down on paper, take it down there?

A. No, sir, I don't think I did. I know I didn't.

33 Q. You were not there more than a minute, were you?

A. Not more than two or three minutes?

34 Q. Well, whatever was said you don't recollect exactly now?

A. I don't recollect exactly word for word.

35 Q. You stated to me in your cross-examination the substance of it?

A. Yes, the substance of it.

It is agreed by the parties that all taxes upon the personal property of Job M. Nash placed on, or appearing on the tax duplicates of the county of Tippecanoe for the years 1872 to 1880, both inclusive, have been paid.

GEORGE A. JAMISON being first duly sworn testifies as follows:

Direct examination by Mr. HANLY, counsel for plaintiff:

1649 1 Q. You may state your name?
A. George A. Jamison.
2 Q. Where do you live, Mr. Jamison?
A. West Lafayette.
3 Q. What, if any, official position do you hold in the county government of Tippecanoe county?
A. County auditor.
4 Q. Were you the auditor on the 19th day of October, 1897?
A. Yes, sir.
5 Q. I will ask you to examine the instrument I place in your hands and state whether that is a finding prepared and filed by you as auditor in the Nash matter?
A. Yes, sir, it is.
6 Q. Where was it filed?
A. Filed in the auditor's office.

Plaintiff offers said instrument in writing.

Objected to by the defendant on the ground it is irrelevant to the issue in the case, in this, that it neither tends to prove or disprove that the property was assessed or put upon the duplicate, that it is not primary or the first evidence, in this that if the assessment if made is entered upon the proper tax duplicate of the county and is the best evidence.

That the paper shows upon its face that it is not complete because the statement upon which it is based said to have been made
1650 by Mr. Wood is not set forth and made a part of the paper.

Whereupon said paper is marked, "AA A O R" and put and read in evidence by the plaintiff in the words and figures following, to-wit:

Comes now, William R. Wood, and files a written statement informing me that one Job M. Nash, now deceased, but who in life was a resident of the city of Lafayette, in Tippecanoe county, Indiana, and as such was taxable in said county and State, and that the said Nash, for the years 1881, 1882, 1883, 1884, 1885 and 1886 failed to list all of his personal property for taxation; but on the contrary, that a large amount of personal property, belonging to him was omitted from the assessment and from the proper tax duplicates for each of said years; said statement specifically describing the personal property so omitted for said several years, and which said statement reads in the following words and figures to-wit: (Insert)

And upon the filing of said statement pursuant to law, I issued a notice to James Buck, trustee of a fund created by the will of said Job M. Nash, deceased, informing him of said omitted property, that the said Job M. Nash, in his lifetime, had failed and neglected to

give in and list for taxation, as the law directs and upon this 19th day of October, 1897, I served the said James Buck with a copy of said notice and left the same in his possession and in said notice served as aforesaid I fixed the 19th day of
October, 1897 as the day upon which he should appear
1651 before me at my office in the court house, at the city of Lafayette, Indiana, for the purpose of showing cause, if any, he had, why said omitted property mentioned in said statement and in said notice, should not be placed on the proper tax duplicate, of said county and State, for taxation; said day being fixed for the hearing of said notice by and with the consent of said Buck and by and with the consent of his attorneys Langdon & Coffroth; that said notice so served as aforesaid, and fixing said time as aforesaid, for the appearance of said trustee, before me as aforesaid, reads in the words and figures as follows, to-wit: (Insert)

That the said James Buck upon said day, failed to appear at the time named for his appearance, either in person or by attorney, and after being three times duly called, was by me duly defaulted.

That on the afternoon of said day, I proceeded to inform myself as to the validity of the statement made concerning said omitted property, belonging to the estate of said Job M. Nash, deceased, and which said property was described in the aforesaid notice, and after being fully informed and satisfied in said matter, I find that the said Job M. Nash, died on the 19th day of July, 1893, that the said said James Buck is a trustee, of a fund created by the will, of the said Job M. Nash, deceased, which said will was duly probated, according to law, in the probate court, of Hamilton county, Ohio. That the said Job M. Nash in his life time, and for the years 1881,
1882, 1883, 1884, 1885, 1886 was a resident of the city of La-
1652 fayette, in Tippecanoe county, Indiana.

I further find that for the years 1881, 1882, 1883, 1884, 1885 and 1886, the said Nash's personal property was not all listed for taxation; but on the contrary, a large amount of personal property, belonging to him was omitted from the assessment books and from the proper tax duplicates for each of said several years, which personal property consisted of cash on deposit in bank and notes. Which cash on deposit in bank and notes were worth 100 cents on the dollar on their face value, including interest on said notes, and which said property after deducting the amounts returned and heretofore placed on the tax duplicat- amounted to on April 1st, for the

Year 1881 to	745.21	and was of the value of	.....	745.21
" 1882 "	15,349.59	do.	.....	15,349.59
" 1883 "	2,146.68	do.	.....	2,146.68
" 1884 "	30,739.50	do.	.....	30,739.50
" 1885 "	29,213.38	do.	.....	29,213.38
" 1886 "	7,198.85	do.	.....	7,189.85

I further find that the above omitted property was owned by said Nash on the 1st day of April of the years above named. And I do

now assess the same as omitted property, which has unlawfully and unjustly escaped taxation and I do now correct the proper tax duplicate of said county accordingly and add said omitted property thereto.

GEORGE A. JAMISON,
Auditor Tippecanoe County.

Cross-examination by Judge LANGDON, counsel for defendant:

7 Q. This paper was filed as the file marks indicate upon it on the 19th?

1653 A. Yes, sir.

8 Q. Did you write this paper?

A. No, sir.

9 Q. Who wrote it?

A. I think it was prepared by Mr. Wood.

10 Q. Did you read it before you signed it?

A. Yes, sir.

11 Q. Where is the paper that you speak of as the statement of Mr. Wood?

A. My recollection about that is Jugde, you and Mr. Wood came in and said you agreed upon a statement of facts and wanted me to put that on at once as the finding, you wanted it put on at once so you could pay that tax.

12 Q. You don't say that I did that, do you?

A. I say that is my recollection.

13 Q. You say you received a statement from Mr. Wood?

A. Yes, sir.

14 Q. That he made and handed to you?

A. This statement.

15 Q. This is based on the statement you received from Mr. Wood?

A. I don't recollect.

16 Q. You don't recollect about that?

A. I don't recollect about that.

17 Q. It says, "Comes now, William W. Wood and files written statement?"

A. I don't recollect; I presume he did.

18 Q. You don't know as a matter of fact now whether that is true or not?

A. I don't recall it just now.

19 Q. You don't know whether he did file any?

1654 A. I say I do not recollect now; I presume he did.

20 Q. During October, 1897, you only issued one notice to Mr. Buck? Did you?

A. In October?

21 Q. Of 1897, there was only one notice that you issued?

A. Well, now I don't remember of any other. I don't recollect of any other.

22 Q. Now, look at that paper and see if you recognize it; look at the signature? (Handing witness paper.)

A. Yes, I recognize that.

23 Q. Is that a paper that you call a notice that you had issued and served on Mr. Buck?

A. It seems to be the notice referred to there.

Said notice is marked "BB A O R" and is put and read in evidence by the plaintiff in the words and figures following, to wit:

LAFAYETTE, INDIANA, October 19, 1897.

To James Buck, trustee under the will of Job Nash, deceased:

I hereby notify you that according to law section 8662, Statu-e- of Indiana, I intend to assess you with and place against you on the proper tax duplicate of Tippecanoe county, Indiana, the following property for the year, 1881, and which property was taxable in the city of Lafayette, in Tippecanoe county, Indiana, on the 1st day of April, of said year and which said property upon said date was owned by and under the control of the said Job M. Nash, now deceased, but then in life, to-wit:—

Cash on deposit in bank $745.21

And which said property omitted as aforesaid on the 1st day of April, 1881, was of the value of $745.21.

I further notify you that according to law, section 1655 aforesaid, the statu-e aforesaid, I intend to assess you with and place against you on the proper tax duplicate of Tippecanoe county, Indiana, the following property for the year 1882, and which property was taxable in the city of Lafayette, in Tippecanoe county, Indiana, on the 1st day of April of said year, and which property was then and there owned and controlled by said Job M. Nash, now deceased, but then in life to-wit:

Cash on deposit in bank $15,349.59

And which said property omitted as aforesaid on the 1st day of April, 1882, was of the value of $15,349.59.

I further notify you that according to law, section aforesaid, and of the statu-e aforesaid, I intend to assess you with and place against you on the proper tax duplicate of Tippecanoe county, Indiana, the following property for the year 1883, and which property was taxable in the city of Lafayette, Tippecanoe county, Indiana, on the 1st day of April of said year and which property was then and there owned and controlled by Job M. Nash, now deceased, but then in life, to-wit:

Cash on deposit in bank $2,146.68

And which said property omitted as aforesaid on the 1st day of April, 1883, was of the value of $2,146.68.

I further notify you that according to law section aforesaid, of the statu-e aforesaid, I intend to assess you with and place against you on the proper tax duplicates of Tippecanoe county, Indiana, the following property for the year 1884, and which said property
1656 was taxable in the city of Lafayette, in Tippecanoe county, Indiana, on the 1st day of April, of said year, said property then and there belonging to and controlled by the said Job M. Nash, now deceased, but then in life, towit:

Cash on deposit in bank	$592.73
One promissory note, dated Aug. 13, 1883, payable to the order of said Job M. Nash, and signed by one, Adams Earl, in the sum of	$20,000.00
One promissory note dated Aug. 27th, 1883, payable to the order of said Job M. Nash, and signed by Adams Earl, in the sum of	$8,647.50
One promissory note, dated Jan. 21, 1884, executed by M. O. Borum and payable to the order of said Job M. Nash for	$1,500.00
Total amount of property omitted for the year 1884.	$30,739.50

And which said property omitted as aforesaid on the 1st day of April, 1884, was of the value of $30,739.50.

I further notify you that according to law, section aforesaid, of the statu-e aforesaid, I intend to assess you with and place against you on the proper tax duplicates of Tippecanoe county, Indiana, the following property for the year 1885, and which said property was taxable in the city of Lafayette, in Tippecanoe county, Indiana, on the 1st day of April of said year, said property then and there belonging to and controlled by the said Job M. Nash, now deceased, but then in life, to-wit:

1657 Cash on deposit in bank	$565.88
One promissory note dayed Aug. 13, 1883, executed by Adams Earl, and payable to the order of Job M. Nash, for	$20,000.00
One promissory note secured by mortgage, executed by Adams Earl, payable to the order of Job M. Nash, dated Aug. 27, 1883, for	$8,647.50
Total amount of property omitted for the year 1885	$29,213.38
And which said property omitted as aforesaid on the 1st day of April, 1885, was of the value of $29,213.38.	

I further notify you that according to law, section aforesaid, statu-e aforesaid, I intend to assess you with and place against you on the proper tax duplicate of Tippecanoe county, Indiana, the following property for the year 1886, and which property was taxable in the city of Lafayette, in Tippecanoe county, Indiana, on the 1st day

of April of said year, and which property was then and there owned and controlled by the said Job Nash, now deceased, but then in life, to-wit:

Cash on deposit in bank	$648.85
One promissory note secured by mortgage, dated Feb. 8th, 1886, executed by Charles Jones, payable to the order of Job M. Nash for	$3,000.00
One promissory note dated Aug. 1st, 1885, executed by John B. Ruger and payable to the order of Job Nash for	$3,000.00
One promissory note, executed by Nelson Lutz, dated March 3rd, 1886, and payable to the order of Job	
1658 Nash for	$400.00
One promissory note dated March 22, 1886, executed by Oliver C. Goldsmith, and payable to the order of Job Nash for	$100.00
One promissory note dated March 1st, 1886, executed by Milton Moran and payable to the order of Job Nash for	$50.00
Total amount of property omitted for the year 1886	$7,198.85

That said property omitted for the year 1886 on the 1st day of April, 1886, was of the value of $7,198.85.

Said property was owned by the said decedent Job M. Nash, on the 1st day of April of the years herein designated and said property he failed to list or cause to be listed for taxes, the same being then and there subject to taxation as herein described.

You are hereby notified to appear before me at my office in the city of Lafayette, at 10 o'clock a. m. on the 20th day of October, 1897, to show cause, if any you have, why said property shall not be assessed against you and placed on the tax duplicate of said county.

GEOR*EG* A. JAMISON,
Auditor Tippecanoe County, Indiana.

HARVEY H. CHENEY recalled by the plaintiff and testifies as follows:

Direct examination by Mr. HANLEY, counsel for plaintiff:

1 Q. You may state your name?
A. Harvey H. Cheney.
1659 2 Q. You have heretofore testified as a witness in this case?
A. Yes, sir.
3 Q. And you were heretofore sworn in the case?
A. Yes, sir.
4 Q. I will ask you, Mr. Cheney, what if any, official position you held in the county of Tippecanoe on the 7th day of January, 1897?

A. I was deputy treasurer at that time.

5 Q. If upon that day you as deputy treasurer called upon the defendant, James Buck, and made a demand upon him for the payment of the taxes due upon the property placed upon the tax duplicate as omitted property under the notice given by Mr. Jamison as auditor, you may state the fact?

A. I did. I called on him in the Wallace block that day.

6 Q. What did you say to him?

A. I asked him to produce the papers that were in his possession belonging to the Nash estate at that time.

7 Q. What papers; the notes and mortgages?

A. Notes and mortgages,

8 Q. What did he say?

A. He said he had them in his safe and was going to keep them there. He refused to produce them.

9 Q. What if anything, did he say about the probate court at Cincinnati?

A. He said if he was ordered that day at noon to send them on the noon train to Cincinnati he would have to be in contempt of court and for that reason he refused to produce the papers
1660 as near as I can recollect.

10 Q. You demanded payment of the taxes, also, did you not?

A. Yes, I demanded the papers.

The following additional evidence is introduced on the part of the defendant.

JAMES BUCK recalled by the defendant and testifies as follows:

Direct examination by Judge LANGDON, counsel for defendant:

1 Q. You may state your name?

A. James Buck.

2 Q. You are the same James Buck, that has heretofore testified in this case?

A. Yes, sir.

3 Q. And are the defendant trustee?

A. Yes, sir.

4 Q. Now, you may state what notes and mortgages or other personal property of Nash you had at the time of his death, if you can?

A. I cannot do that.

5 Q. Did you have notes and mortgages of his at the time of his death?

A. I did.

6 Q. Well, where were they made payable or dated, if you know?

A. They were made payable a number of them at Cincinnati,

Ohio. A number of them were made payable in Indiana, Lafayette, Indiana.

7 Q. Were there any others than those two general classes?

A. No, sir.

8 Q. What did you do with the personal property you had of Mr. Nash soon after his death?

1661 A. After the will was probated on the first of August, 1893, I turned all the property in my hands belonging to Mr. Nash over to one of the executors.

9 Q. Who was it?

A. John R. Coffroth.

10 Q. Where was it?

A. In the office in the Coleman Bank building.

11 Q. In the office in Lafayette or some other place?

A. It was in Lafayette.

12 Q. That was in August after his death?

A. Yes, sir.

13 Q. That comprised all of the property?

A. Everything I had in my hands. It comprised all of the Cincinnati mortgages and notes, all of the notes in Indiana and his bank account,

14 Q. Well, if there was any property you did not turn over to him, you may state the fact?

A. There was nothing except the two little safes and they were put into the hands of the trustees.

15 Q. What did he do with them, if you know?

A. He ordered me to send all the Cincinnati paper to Mr. Goodman at Cincinnati.

16 Q. What do you mean by Cincinnati paper?

A. All the notes and mortgages belonging to Mr. Nash and I sent them all to Mr. Goodman in Cincinnati, in August.

17 Q. What do you mean by Cincinnati paper with respect to being made or payable there, how did you distinguish them as Cincinnati paper?

A. I mean all the Cincinnati notes and mortgages that were belonging to Mr. Nash that were in my hands at that time.

1662 — Q. To what other person did you give or pass any of his personal property after his death other than to Goodman or John R. Coffroth?

A. Nobody.

19 Q. You say the Cincinnati paper, what do you mean by that; by what fact do you call it Cincinnati paper?

A. I call it Cincinnati paper for the reason it was paper that was made in Cincinnati, was payable in Cincinnati.

20 Q. Were there any mortgages with it or not?

A. There was.

21 Q. Now, you speak of these notes and mortgages as Cincinnati paper?

A. Yes, sir.

22 Q. When he gave you orders to send it to Mr. Goodman at Cincinnati, what did you do, if you did anything?

A. I sent them to Mr. Goodman.

23 Q. When?

A. On the 9th day of August, 1893.

24 Q. What Goodman is this you speak of?

A. William A. Goodman, one of the executors of Mr. Nash's estate.

25 Q. If you ever notices any trunks or satchels belonging to Mr. Nash, you may state the fact if he had any?

A. Yes, sir.

26 Q. Did you ever observe whether there were any marks or inscriptions on his trunk or trunks, or satchel or satchels?

A. Oh, yes.

27 Q. What inscription did you notice on them?

1663 A. I have noticed "J. M. Nash, New York" on his trunk. I have noticed "J. M. N., N. Y." on his satchel, either on his satchel or a little plate that was fixed on the handle of his satchel in some way.

28 Q. During what time did you notice these inscriptions?

A. Many times. I noticed them very particularly one time when I went to New York with him.

29 Q. When was the first time, if you recollect, that you noticed it?

A. I don't recall.

30 Q. You have spoken about your becoming his general agent here in 1882, I believe in August or July, with reference to that was it before or after that?

A. It was after that.

31 Q. How long after that?

A. That I can't say.

32 Q. Well, without being definite as to the month, day or year, was it one, or two or three or four years?

A. I might have noticed in a year afterwards.

33 Q. Did you notice it more than once, or during one year or series of years?

A. I noticed it a number of years.

34 Q. During what number of years?

A. I noticed it many times for this reason, I often went with him when he would be going home, and I would notice it on his trunk or satchel. I often carried his satchel to the depot for him and particularly when I went east with him after his sickness here, I lugged his satchel always. He was unable to carry it and I would notice it and I would notice it in having his trunk checked. We

1664 stopped at a number of places between here and New York. We staid at White Sulphur Springs two weeks and I would notice it in checking his trunk.

35 Q. How frequently was he in Lafayette during the time you were his agent, that you were employed with him, if you know?

A. He would come here on an average of about twice a year.

36 Q. Did you see him on those occasions?
A. Always.
37 Q. Did you have any conversations with him frequently or otherwise?
A. Very frequently indeed.
38 Q. In any of these conversations in Lafayette when he was going away, or getting ready to go away, if he was you may state what he said if he said anything about where he was going?
A. Why, I heard him speak several times about going home. One particular conversation that occurs to my mind just now was after his bad spell of sickness in the Lahr house. I went up to see him one morning and he told me if I would allow him to lean on me a little he thought he would walk down to the office.
39 Q. What year was that?
A. I think that was in 1890, and on the road down to the office to my surprise he said to me, "Mr. Buck, you can get your business into shape so you can take me home."
40 Q. Did he say where his home was then?
A. He did not.
41 Q. Well, go on?
A. I said to him I thought that would be impossible, that I could not leave his business, he said, "You will leave the business,
1665 and put some boy in the office to answer questions, and you will take me home. That was the last day of June, 1890. I think it was 1890.
42 Q. You say he had been sick here?
A. Very sick, thought he would die for several days.
43 Q. How long was he sick?
A. He must have been sick three weeks. I think I slept in his room on a couch for about eleven nights.
44 Q. Who was his physician, if you recollect?
A. Dr. Walker.
45 Q. How long did you know Mr. Nash?
A. I got acquainted with Mr. Nash in June, 1879; I knew him until his death.
46 Q. During your acquaintance with him, your employment by him, you may state whether or not you were generally acquainted with the residents and inhabitants of Tippecanoe county and of the city of Lafayette?
A. I was, yes, sir.
47 Q. You may state whether or not Job M. Nash lived in Lafayette?
A. Not after I became acquainted with him.
48 Q. Or have a home there or a residence in Tippecanoe county or Lafayette?
A. No, sir.
49 Q. Where did he live or reside during that time?
A. He lived in New York.

50 Q. Did you have any correspondence with him while you were in his employment?

A. Yes, sir.

51 Q. What became of the correspondence, the letters?

A. Destroyed.

52 Q. From what places were they addressed or dated?

1666 A. Principally from New York city.

53 Q. Did you ever have any conversation with him in which he spoke about the place where he lived or resided? Answer yes, or no?

A. Yes.

54 Q. Did you hear in such conversations him speak more than one time or frequently of the place where he lived or resided?

A. Yes, sir.

55 Q. During what period of time did you hear him speak of that subject matter in any conversation?

A. Why, I have heard him speak of it many times; I cannot recall now.

56 Q. Not the particulars but I mean during what years or how far back?

A. I can't recall.

57 Q. What period of time did these conversations happen?

A. I couldn't state that.

58 Q. You say it was frequently?

A. Yes, I have heard him speak of his home several times.

59 Q. Did he speak on that subject in the early part of your employment with him or not?

A. He spoke of the subject the day he employed me.

60 Q. And after that did he speak of it several times or not?

A. Yes, sir.

61 Q. Now, the first time he employed you you say he spoke of it?

A. Yes, sir.

62 Q. You may state what that conversation was and where it was?

A. That was in the office of the Coleman Bank building.

63 Q. In Lafayette?

1667 A. Yes, sir.

64 Q. What did he say?

A. He told me then that his home was in Westchester county, State of New York.

65 Q. What did he say about it being in Westchester county?

A. He said his children were burried there, that he had a monument built there for his family; that he expected to be buried there himself.

66 Q. What, if anything, did he say about visiting there and having relatives there, if he did say?

A. He told me he had relatives and that he visited there very often.

67 Q. What did he say in any other conversation as to where he lived or resided?

A. I can't state any particular conversation now except the one I have already stated.

68 Q. Well, when he did speak of his home or where he resided did he state where it was; did you ever hear him state where it was?

A. I have heard him state his home was in New York.

69 Q. What if anything did he say to you about voting, if he did, or where he voted or registered, if he said anything on those subject matters?

A. I have heard him say that he had to go home to register or that he had to go home to vote, but just what years it was I don't remember.

70 Q. Did he say it once or more than once.

A. I don't know positively but two or three times he said it to me.

71 Q. Where did he say, if he said, he had to go to register to vote?

A. He said he had to go to New York.

1668 72 Q. Did he ever speak to you on the subject of his having a private residence or anything with reference to that subject matter?

A. Well, he has told me that he often tried to prevail upon his wife to permit him to buy a private residence in the city of New York but that she was a poor frail little woman and didn't want to take charge of a house or home.

73 Q. Were you acquainted with his wife?

A. I became acquainted with his wife in 1890, when I took him home. I had never seen her before.

74 Q. Well, how frequently and where did you see her; you saw her at that time and where else?

A. I saw her at that time and in 1893.

75 Q. Before or after his death?

A. Before his death in 1893. He and her and his doctor were on a trip to Florida and he wrote me he would be in Cincinnati on a certain time and wanted to see me.

76 Q. Where did he write you from?

A. At New York.

77 Q. Where is that letter?

A. Destroyed.

78 Q. Well, go ahead?

A. I went to Cincinnati and his wife at the Hotel Emery, the doctor was with them.

79 Q. Who was he, if you know?

A. I don't remember his name.

80 Q. Was it Spann?

A. Yes, that is it.

81 Q. Did you become acquainted with him or not?

A. I did, got to know him quite well in my visits to New York.

1669 82 Q. Where did he live, if you know, or reside?

A. He lived in New York city.

83 Q. Did you afterwards meet him there?

A. I did. I met him there at the time of Mr. Nash's death and I met him there a few days before his death.

84 Q. You saw her then? When did you see her again?

A. At St. Mark's hotel, in New York city.

85 Q. What was the condition of the health of Mrs. Nash as long as you knew her?

A. I was very poor indeed.

86 Q. Did you ever see or know his children or any of them?

A. I never did. They were both dead before I knew him.

87 Q. What was the condition of his health for some years before he died?

A. It was very poor.

88 Q. You say he was confined to his bed by sickness in 1890?

A. In 1890.

89 Q. Well, when he went away from here you may state who went with him if any one?

A. I went with him.

90 Q. Where did you start for?

A. We went from here to Cincinnati and attended to some business there.

91 Q. Did you stop on the way to see anybody or did he have any talk on the way?

A. Yes, we stopped for a few minutes at Indianapolis.

92 Q. Did you get off of the train?

A. I got out of the train.

93 Q. Did he?

A. No, sir, he was unable.

94 Q. Whom did you meet there if any one?

1670 A. Mrs. Bushnell, his niece.

95 Q. Charlotte Bushnell?

A. Yes, sir.

96 Q. What conversation, if any did he have with her?

A. She went into the car with her little boy to see him and she asked him if I was going with him.

97 Q. What did he say, if anything?

A. He said "Yes, Mr. Buck is going to take me home to my little wife."

98 Q. Then where did you go from Indianapolis?

A. We went to Cincinnati.

99 Q. Then where did you go or what did you do if anything?

A. We were at Cincinnati for a couple of days I think.

100 Q. Where did you stop or stay?

A. We stayed at the Hotel Emery.

101 Q. What if any conversation there did he have about his sickness or where he was going if he had any?

A. We had a little meeting there in some business matters in which Messrs. Follett & Kelly, Mr. W. A. Goodman, Mr. Nash and myself were present. After the business matters were over Mr. Follett said to Mr. Nash that he thought the best thing he could do was to hire a nurse to take him home and let me go home to Lafayette and attend to his business. The old man warmed up a good deal and said to Mr. Follett "Mr. Buck is going to take me home."

102 Q. Well, where did you go if any place from there?

A. We went from there to White Sulphur Springs and were there two weeks.

103 Q. What was he doing there?

A. He was drinking the water and taking baths for the benefit of his health.

1671 104 Q. Then where did you go?

A. Then from there to Newport News and were there one day and from there went to Old Point Comfort.

105 Q. Where is that in Virginia?

A. Yes. Then we went to Norfolk and took a vessel there for New York city and got to New York city in the evening and went to the Grand Central hotel.

106 Q. Where did you see his wife if you did on that occasion?

A. His wife was not in the city at that time. She was up at West Point.

107 Q. What West Point?

A. At West Point on the Hudson. It was a military academy, I believe.

108 Q. In the State of New York was it?

A. Yes, sir. He said to me I would have to take him up to his wife the next day and we took a boat and went up the Hudson to West Point and stopped at the hotel where his wife was stopping. She was out calling on a cousin and I had the hotel proprietor send for her, telling him that I had to go back on the next train and she came to the hotel and I went in and introduced myself to her. That was the first time I ever saw her.

109 Q. And then you retnrned home?

A. I returned home on the next train.

110 Q. Did he ever in any conversation you had with him speak of voting or registering?

A. Yes, sir.

111 Q. What did he say about registering?

A. I had heard him say that he had to go home to register.

112 Q. What if anything did he say upon the subject of

1672 registration?

A. Well, I have heard him talk a good deal about the registration laws of New York and in which he argued always they

were so much better, they had so much better election laws there than we had here.

113 Q. What if anything did he say about his registering as a matter of fact, if he did, and where if he said?

A. I don't know that I ever heard him say.

114 Q. What did he say if anything about voting and where?

A. I don't know that I ever heard him say that he had voted. I have no recollection of it.

115 Q. But he was going to vote or had to go home to vote?

A. I have heard him say he had to go home to register, but I don't really remember that I ever heard him say that he had to go home to vote.

116 Q. State whether you made any assessment or returned any assessment list to the assessor of Tippecanoe county, or to the order of Tippecanoe county, in the city of Lafayette of his property?

A. I did.

117 Q. For what years, if more than one?

A. 1887, 1888, 1889, 1890, 1891 1892 and 1893.

118 Q. What if any personal property of Mr. Nash was not included in the list made by you or did you return it all?

A. I returned it all.

119 Q. When you say all do you mean all his property here or elsewhere?

A. All the property that was in my hands on the first of April each year excepting a few notes that he had ordered me to send to Cincinnati.

120 Q. When was that?

1673 A. That was in 1893.

121 Q. What notes were they? Can you identify them from this agreement that is in this case (handing witness paper)?

A. I don't know that I can identify these notes exactly now. There was a note of Francis Ducharm I think was one.

122 Q. Was there a note of O. H. Smith?

A. Yes, sir.

123 Q. One of Shonkwiler?

A. I think that was one.

124 Q. And one of Shackleton?

A. Yes, to Margaret E. Pierce.

125 Q. And L. Fisher?

A. I think L. Fisher was one.

126 Q. And Shirk?

A. Yes, sir.

127 Q. And Cassidy?

A. I think so.

128 Q. And Harkrider?

A. I believe it was one.

129 Q. And Flougher?

A. Yes, that was one.

130 Q. And Fullerton?

A. Yes, I think those were the notes.
131 Q. Then there would be Smith, Shonkwiler, Shackleton, Pierce, Fisher, Shirk, Cassidy, Harkrider, Flougher and Fullerton?
A. I think there were ten of these notes.
132 Q. Were there ten?
A. I think so.
133 Q. Then if these were the list the first you gave there
1674 wasn't in there?
A. Yes, I think Ducharm was among them but I may be mistaken.
134 Q. What was the amount of the O. H. Smith note?
A. $2,500.
135 Q. Of the Shonkwiler note?
A. $3,500.
136 Q. Of the Shackleton note?
A. $1,500.
137 Q. Of the Pierce note.
A. $1,800.
138 Q. Of the Fisher note?
A. $4,000.
139 Q. Of the Shirk note?
A. $1,100.
140 Q. Of the Cassidy note?
A. $1,500.
141 Q. Of the Harkrider note?
A. $2,000.
142 Q. Of the Flougher note?
A. $1,500.
143 Q. Of the Fullerton note?
A. $2,000.
144 Q. Well now those ten you last mentioned you say they were note included in which assessment?
A. The assessment of 1893.
145 Q. Where were they on the 1st day of April, 1893?
A. I had sent them to Cincinnati by his orders.
146 Q. How long before 1893, the first day of April had you sent them down there?
A. The last days of March.
147 Q. During the last days of March?
1675 A. Yes.
148 Q. The latter part of March is what you mean?
A. The latter part of March.
149 Q. Is that the only one in 1893 that was not included and in his property that you had here?
A. Yes, everything was returned in 1893 except those ten notes.
150 Q. Is that right?
A. Yes, sir.
151 Q. What was omitted in 1892, if anything, or 1891 or 1890?
A. Nothing.

152 Q. Or 1889?
A. Nothing.
153 Q. Or 1888.
A. Nothing.
154 Q. Now in 1887 you say there was some omitted?
A. Yes, sir.
155 Q. What was that?
A. There was a loan made to Minerva S. Fowler for $27,000 that was omitted in 1887.
156 Q. Why was it omitted?
A. Because Mr. Nash had ordered me to send it to Cincinnati to him.
157 Q. Had you sent it?
A. I did send it.
158 Q. Now besides these ten notes you have spoken of and that of Minerva Fowler what personal property did you omit in the personal returns you made, was there any?
A. There wasn't any.
159 Q. Now in making these returns or lists for taxation
1676 for this you may state whether or not you took into consideration all and every description of personal property he had in Indiana and of which you had any knowledge or not, saving the ten notes in 1893 and the $27,000 of Minerva Fowler in 1887?
A. Yes, I took into consideration everything he had in my possession on the first day of April of each year.
160 Q. Was there any other property of his in your possession that you had sent away in March or previous to that to him by his order of the Indiana paper?
A. No, sir.
161 Q. You may state now if you took into consideration and estimated the value of all the items of property that constituted the list you returned for him during these several years?
A. I did.
162 Q. Well, sir you may state upon what basis you estimated the value of the property?
A. What I considered its fair cash value.
163 Q. Did Nash ever draw any check or checks upon his bank account and deposit it in Lafayette?
A. I don't think Mr. Nash ever drew a bank check while I was in his employ on a bank here.
164 Q. Were you examined before the auditor of Tippecanoe county with reference to the personal property of Job M. Nash?
A. I was.
165 Q. You may state when and where it was if you recollect?
A. It was in the court house. I don't remember the day or the month.
166 Q. Well, who was present?
A. Auditor Jamison, Mr. Wood, Mr. Reser and myself.

1677 167 Q. Was Byron W. Langdon ever present at the examination or any part of it?

A. No, sir.

168 Q. Was John R. Coffroth ever present at any such examination or any part of it?

A. No, sir.

169 Q. Did you make any loan for Nash for which notes and mortgages were given?

A. I did.

170 Q. Was Nash present when the notes and mortgages were given or executed?

A. I have no recollection of Mr. Nash ever having been present during the making of any note or mortgage for him by me.

Q. What instructions or directions did Nash ever give about staying or not in the State or county or town or place of office in any paper?

A. He never gave me any instructions with reference to that matter.

172 Q. Who prepared or caused the mortgages to be drawn up?

A. I ordered them.

173 Q. Were the mortgages written or printed or part written or printed, what is the fact?

A. Well, we used blank mortgages, such as you would buy out of the book store.

It is agreed by the plaintiff and defendant that the executors of Job M. Nash assigned and transferred on January 1st, 1894,
1678 to William A. Goodman and James Buch, as trustees of the trust created by the will of Job M. Nash $268,000, the following being:

Bonds:

$100,000, Cincinnati hospital bonds 7.3 % interest, valued at $108,000; interest December 1st, to January 1st, $608.33, total	$108,608.33
$20,000, Newport water works bonds, 7.3 % interest, valued at $23,200, interest November 1st, to January 1st, $243.33	$23,443.33
$33,000 Cincinnati incline plane railroad bonds, 7.3 % interest, valued at $34,402.50, total	$34,402.50
$21,000, South Covington & Cincinnati street railroad bonds drawing 6 % interest, valued at $23,520, interest from November 1st, to January 1st, $210, total	$23,730.
Value of all said bonds	$190,184.16

The following real estate mortgages on lands in Ohio, securing notes in Ohio.

Louis Cook Manufacturing Company, $12,500, interest from August 2 to January 1, $312.50, valued at.....	$12,812.50
Huntington, John C., $5,000, interest earned from December 1st to January 1st, $25, valued at.....	$5,025.00
Huntington, John C., $5,000, interest from December 1st to January 1st, $25, total	$5,025.00
Starbuck, Alexander, $4,500, interest November 22 to January 1st, $30, total value	$4,530.00
Starbuck, Alexander, $1,500, earned interest November 22 to January 1st, $10, total value	$1,510.00
1679	
Starbuck, Alexander, $3,500, earned interest November 13 to January 1, $28.58, total value.....	$3,528.58
Thr United States Bung Manufacturing Company $2,000, earned interest June 19 to January 1st, $64.32, total value	$2,064.32
Total value of the Cincinnati mortgages and notes.....	$34,495.40

Real estate mortgages securing notes in Tippecanoe and Benton counties, Indiana, as follows:

Francis Ducharm, $2,250, interest earned from November 25 to January 1st, $15.31, total value.....	$2,265.31
John Greensburg, $5,000 earned interest from February 23 to January 1st, $277.14, total	$5,277.14
Patrick Vaugn, three notes, $1,500, earned interest from October 1, to January 1, $17.01, balance on the $1,000 note, $156.12, interest $1.75, total value.....	$1,674.88
David Shanklin, $3,200, earned interest from October 1st to January, $56, total value.....	$3,256.00
Margaret Pierce, $1,800, earned interest from March 10th to January 1st, $101.50, total value.....	$1,901.50
Adams Earl, $5,000, earned interest August 29th to January 1st, $118.61, total value.....	$5,118.61
Adams Earl, $6,000, earned interest May 25th to January 1st, $250.83, total value...	$6,250.83
John Cassidy, $1,500, earned interest January 31 to January 1st, $96.25, total value.....	$1,596.25
Charles Turner, $750, earned interest October 20th to January 1st, three notes, $8.75, total value.....	$758.75
1680	
George W. Miller, $800, earned interest October 4 to January 1st, four notes, $11.47, total value.....	$811.47
J. T. O. Johnson, $550, earned interest September 1st to January 1st $12.84, total value.....	$562.84

Susan Meek, $1,057.16, earned interest, March 1st, to January 1st, four notes, $51.84 total	$1,109.
Payment, $50, net total	$1,059.00
Minerva S. Fowler, $27,000, payment $14,450, balance, $12,550, earned interest Oct. 15th to January 1st, $183, total value	$12,733.00
Total value of the Indiana mortgages	$43,265.15
Also paid by said executors to said trustees at the same time, $54.86 cash, making a total of	$268,000.

174 Q. Now, were those notes, bonds and mortgages assigned delivered and paid?

A. They were assigned to us in Cincinnati.

175 Q. Was the money paid there? Where was these bonds, mortgages paid, assigned and delivered to you?

A. In Cincinnati, Ohio.

176 Q. Which one of you kept these bonds?

A. Mr. Goodman kept the bonds.

177 Q. Did you ever have them here?

A. Never.

1681 178 Q. Who received the Ohio notes and mortgages?

A. Mr. Goodman kept them here.

179 Q. Who received the Indiana mortgages and notes?

A. I did.

180 Q. Examine that paper please (handing witness paper marked "BB A O R") and state if you ever saw it before?

A. I have.

181 Q. From whom did you receive it, if you did?

A. I received it from the auditor of this county, George A. Jamison.

182 Q. When?

A. The 19th day of October, 1897.

183 Q. Examine this paper, from whom did you receive it (handing witness paper marked "CC A O R")?

A. Henry A. Miller.

184 Q. Is that his signature (pointing to paper)?

A. Yes, sir.

Said paper marked "CC A O R" is put and read in evidence by the defendant in the words and figures following, to-wit:

LAFAYETTE, INDIANA, October 20th, 1897.

Received of James Buck, trustee, under the will of Job M. Nash*m* deceased, the sum of $954.04, assessed by the auditor of Tippecanoe county on the 20th day of October, 1897, on the property of Job M. Nash, alleged to have been omitted from the tax duplicate for the years 1881, 1882, 1883, 1884, 1885, and 1886, against the estate of Job M. Nash, deceased, James Buck, trustee, under the will. That

at and before payment by said Buck the treas. of Tippecanoe
1682 county made demand on said trustee for the payment thereof and there and then threatened to subject the property of said trust in the hands of said Buck to the payment of said taxes unless the same was paid by him. That then and there before the payment of said taxes the said Buck protested the payment of the same and protested that said taxes were illegally assessed that said trust property was not liable to pay said taxes or any part of them and he the said Buck, trustee, as aforesaid was not lawfully chargeable therewith.

HENRY A. MILLER, Co. Treas.

185 Q. You may state whether or not the $954.04, you may state whether or not that sum was paid on account of the taxes assessed upon the property mentioned in the notice that was served on you by George A. Jamison, the auditor?

A. Yes, this is the same. (Pointing to paper marked "CC AOR")

186 Q. Now you may state what you know about that property being furnished to the auditor, look over that paper (handing witness — marked "BB AOR")?

A. I had this property furnished to the auditor myself.

187 Q. Who discovered it?

A. I discovered it or had it discovered.

1683 188 Q. At that time you may state whether or not it comprised within your then recollection all the omitted property of Job M. Nash that was not on the tax duplicate?

A. Yes, I tried honestly *yo* get all the property that I could find.

189 Q. All that he had in this county at that time?

A. Yes, sir.

190 Q. For any of the years prior to that time?

A. For any of the years from 1881 to 1886 inclusive.

191 Q. Both inclusive you mean?

A. Both inclusive, yes, sir.

192 Q. Examine this paper I put in your hand and state from whom you received it (handing witness paper marked "DD AOR")?

A. I received it from the county treasurer, W. S. Baugh.

On motion of the defendant said paper marked "DD AOR" is put and read in evidence in the words and figures following, to-wit:

No. 9079 LAFAYETTE, INDIANA, July 19, 1901.

Received of James Buck, trustee, three hundred thirty-eight dollars and twenty-five cents, State, State school university, county, free gravel road, township and all other taxes on the following property for the year 1887. Delinquent. City.

9751. Note and mortgage of Minerva S. Fowler, dated October 15, 1884, in Benton county, for $27,000.00

	$291.60
Penalty May	29.16
Penalty Nov	17.49
	$328.25

WILL S. BAUGH,
Treas. Tippecanoe County.

1684 Will S. Baugh, treasurer, Tippecanoe county, Ind., paid July 19, 1901.

It is agreed by the plaintiff and defendant that the following Indiana notes and mortgages for the respective amounts hereinafter named and at the rate of taxation and assessments thereon, taxes and penalties on each of the said notes and mortgages and for each of the following years, 1881, 1882, 1883, 1884, 1885, 1886, and 1893, were made and entered on the tax duplicates of said Tippecanoe county, as follows:

		As. rate.	Tax.	10 % penalty	6 % penalty	Total
1881.						
Kumler, A. L..	$1000					
Todd, M. J.....	600					
	$1600	$1.05	$16.80	$1.68	$1.00	$19.48
1882.						
Kumler, A. L..	$1000					
Bartley, J.....	700					
Todd, M. J.....	600					
	$2300	1.05	24.15	2.42	1.45	28.02
1883.						
Kumler, A. L..	$1000					
Bartley, J.....	700					
Todd, M. J.....	600					
Crider, M	600					
	$2900	1.21	35.09	3.51	2.10	40.70

1685

1884.						
Kumler, A. L..	$1000					
McCone, Thos.	1500					
Bartley, J.....	700					
Todd, M. J.....	600					
Crider, M.....	600					
Lammers, H...	1350					
Earl, A.....	5000					
	$10150	$1.19	$127.92	$12.79	$7.67	$148.39

1895.						
Kumler, A. L..	$1000					
Borum, N. O...	1500					
Todd, M. J.....	600					
Crider, M.....	600					
Lammers, H...	1350					
Earl, A.....	5000					
	$10050	$1.08	$108.54	$10.85	$6.51	$125.90
1886.						
Kumler, A. L..	$1000					
Shelby, J. B....	4000					
Borum, N. O...	1500					
Todd, M. J.....	600					
Crider, M.....	600					
Lammers, H...	1350					
Earl, A..... ..	5000					
Earl, A.....	6000					
Fowler, M.....	2700					
	$47050	$1.08	$508.14	$50.81	$30.49	$589.44
1686						
1893.						
Smith, O. H ...	$2500					
Shonkwiler.....	3500					
Shackleton	1500					
Pierce, M.....	1800					
Fisher, L.....	4000					
Shirk.....	1100					
Cassidy.....	1500					
Harkrider.....	2000					
Flaugher.....	1500					
Fullerton	2000					
	$21400	$1.95	$417.30	$41.73	$25.03	$484.06
Total.....						$1435.99

193 Q. You may examine that paper please and state whether or not you exhibited this paper to the treasurer of Tippecanoe county (handing witness paper)?

A. I did.

194 Q. Where?

A. In his office in this city.

Said paper is marked " EE AOR " for the purpose of identification.

195 Q. When?

A. On the 21st day of October, I believe, 1897.

196 Q. You may state whether or not you read it to him also?

A. I did.

197 Q. What money, if any, did you at that time and in his office tender or pay to the treasurer of Tippecanoe county?

A. I made him a tender of $1,436.10.

198 Q. Was this paper that has been identified just now, is that what you say you read to him and made the tender?

A. Yes, sir.

1687 On motion of the defendant said paper marked "EE AOR" is put and read in evidence in the words and figures following, to-wit:

I, James Buck, one of the trustees of a trust created by the will of Job M. Nash, deceased, while protesting that the assessments of taxes for the years 1881 to 1893, both inclusive, and each of said years, made by the auditor of Tippecanoe county on the 7 day of May, 1895, against Job M. Nash estate, John R. Coffroth, William A. Gooman, executors, James Buck, trustee, on certain personal property alleges to have been owned by said Nash and not to have been returned for taxation and to have been omitted from the tax duplicate is illegal, and that the trustees of said trust are not nor is either of them liable to pay said taxes or any of them and also protesting that said fund or property of said trust are not liable to be subjected to the payment of said taxes or any of them. I here and now tender to you the treasurer of Tippecanoe county, $1,436.10 in full payment of said taxes and the interest and penalty thereon.

JAMES BUCK, Trustee.

October 21st, 1897.

Made tender to Henry A. Miller, Oct. 21st, 1897.

JAMES BUCK.

Witness:

W. R. COFFROTH.

It is agreed between the parties that the tender than made of $1,436.10 was made to the treasurer in good and lawful money of the United States.

199 Q. Now you may state whether or not it was for the taxes and penalties that the treasurer computed upon these notes as
1688 mentioned in the notice of May 7th, 1985, and served on you by the auditor for the years 1881, 1882, 1883, 1884, 1885, 1886 and the ten notes for 1893?

A. Yes, sir.

200 Q. Did the treasurer receive the money you tendered?

A. He did not.

201 Q. What did you do with it?

A. I took the money to Williamsport, in Warren county and paid it into the hands of the clerk of the court.

202 Q. Where?
A. Warren county, Indiana.
203 Q. Was it paid in court or not?
A. It was in open court.
204 Q. Where is the money now?
A. I presume it is there as far as I know.
205 Q. What court was it paid into?
A. It was paid into the Warren county circuit court of Indiana.
206 Q. When was that?
A. I cannot state exactly when that was done. It was a short time after this tender was made to the county treasurer here.
207 Q. You may state whether or not you recognize that paper filed October 22nd, 1897, and you may state whether that was the day after the tender to the treasurer that you paid it into the court?
A. I think it was.
208 Q. Did you ever hear Nash speak of probating any wills?
A. Yes, he and I have had many talks about probating wills.
209 Q. Did he say where wills could be probated or anything on that subject?
A. Well, Mr. Nash and myself were both of the opinion that wills could be probated anywhere where a man owned
1689 property.
210 Q. What did he say if anything upon the subject of where a man's will could be probated?
A. He said a man's will could be probated any where where he owned property.
211 Q. Did Nash ever give you any instructions about having the laws of Indiana amended in relation to the bonds of executors?
A. No, sir.
212 Q. Did he ever speak to you on the subject?
A. He never did.

By agreement of the parties the further taking of these depositions is continued until Friday November 15th, 1901, at 10 o'clock a. m.

1690 LAFAYETTE, IND.,
Friday, November 15, 1901—10 o'clock a. m.

The parties met pursuant to adjournment, present as heretofore, and the further taking of these depositions is continued as follows:

JAMES BUCK recalled and testified as follows:

Direct examination by Judge LANGDON continued as follows:

213 Q. You spoke of having some conversation with Mr. Nash and reverting to that topic I will ask whether or not in any conversation you had in relation or on the matter of the place where he lived or had a home or residence, did he say anything about where

he had lived or had a home at different times in any one of these different conversations you have spoken of?

A. Oh, yes.

214 Q. You may state anything in relation to the subject of the place of his birth, if he told what it was and where it was?

A. I can't tell when it was, but I have heard him say in his conversations with me, in speaking of the place where he resided or had resided. There was one time he lived here with his brother-in-law.

215 Q. You may state anything in relation to the subject of the place of his birth, if he told what it was and when it was.

A. He told me he was born in Ohio and that in the 40's.

216 Q. If he told you afterwards or at any time in any conversation with him, or did you hear him say anything about where he had lived or had a home or residence or anything on that subject and if so you may state it?

1691 A. I was going to state it. He told me he was born in the State of Ohio and along in the 40's.

217 Q. In 1840 something?

A. 1840. Something between 1840 and 1850. That he lived with his brother-in-law Thomas Wood and kept Thomas Wood's books.

218 Q. Here, where?

A. Down at the mill.

219 Q. You mean in Lafayette, Tippecanoe county, Indiana?

A. Yes, sir.

220 Q. Well, if he said anything about any other place he lived or had a home or anything of that sort you may state it?

A. Well, I have heard him say that he lived in the State of Ohio, Cincinnati.

221 Q. What was he doing, if anything, he said?

A. Well, he was a traveling man, he told me for some time in the latter-part of the 50's.

222 Q. From where and fro whom, if he said?

A. From Cincinnati; was in business in Cincinnati in the early 60's, that was his home.

223 Q. If he said anything more in relation to that general topic as to where he had lived, if he had lived at any other place, you may state it?

A. Well, I have heard him say he lived in New York, New York.

224 Q. When and how long, if he said?

A. I don't remember now. I can't tell when but after he was married, that he took up his residence in New York and that his residence at one time was at Westchester county, in the State of New York, but afterwards he took up his residence in New

1692 York city. When that was I can't tell. It is a matter I didn't charge my mind with.

225 Q. At the time he was talking to you, if he stated where his

residence was then or home or anything with reference to that general topic you may state it?

A. When he first employed me he said his residence was at Westchester county, New York. That was in 1879.

226 Q. Afterwards if he said anything to you about his residence as at the time he spoke to you you may state where it was or what he said if anything?

A. Well, I have no recollection after that of Mr. Nash ever telling me that his home was in New York city excepting in this way, that he had to go home to vote or to register to vote.

227 Q. Where, if he said?

A. To New York city.

228 Q. When did he say, if he said he was married, fixing the time in your mind if you can?

A. Well, I can't tell the year; some time in the 60's.

229 Q. When, if he said anything about going, from Ohio to New York, with reference to that event, if he said anything?

A. I don't remember. I don't remember of any conversation about his going from Ohio to New York.

230 Q. Didn't you just state he said *he* in a conversation he went from Ohio and them went to New York to live—had his home there?

A. Oh, I have heard him say that he moved from Cincinnati, Ohio, to New York at the time of his marriage, but what year it was I couldn't say, I don't remember.

231 Q. Recurring now to the notes, mortgages or other papers that you said that you had in your custody after you became
1693 his general agent, state whether or not at any time whatever any one of the notes, mortgages or other papers that you had were transferred to anyone else or assigned to anyone else or put in charge of anyone else as a pledge or in fact given or delivered to anyone else than the persons you have heretofore named in your evidence?

A. No, sir.

Cross-examination continued by Mr. HANLY:

232 Q. Mr. Buck did you ever visit Mr. Nash in New York city?

A. Yes, sir.

233 Q. When?

A. I think my first visit there was the time I took him there when he was sick.

234 Q. Do you remember about the date?

A. Well, we left here,—wait a minute,—it must have been in July, 1890.

235 Q. How long were you in New York with him at that visit?

A. Only over night; that was all.

236 Q. Did you ever visit him in New York city at any other time?

A. Yes, sir.
237 Q. When was that?
A. In 1893.
238 Q. How long were you with him at that time in New York city?
A. I think about four or five days, possibly a week.
239 Q. You visited him at a hotel?
A. Yes, sir.
240 Q. He had no private residence that you know of in the city?
A. No, sir.
1694 241 Q. He lived at different times at different hotels in the city of New York, did he not?
A. At the time I visited him he was at the St. Mark hotel.
242 Q. Both times?
A. No, sir. The first time I was there only over night and we stopped at the Grand Central.
243 Q. He was living at the time at the Grand Central, wasn't he?
A. Yes, that was my understanding.
244 Q. Had rooms there?
A. Yes, sir.
245 Q. What if any business was he engaged in at New York city?
A. I don't know; I don't think any.
246 Q. You never heard him say he was engaged in any business in New York city, did you?
A. No, sir.
247 Q. To your knowledge he had no place of business, no office or place of business in New York city, did he?
A. When I was there in 1893 he claimed to have office room with Andress on Cortlandt street.
248 Q. What was Andress' business?
A. Well, he was in the paint business.
249 Q. Did Mr. Nash have any interest in the paint business that you know of?
A. Yes, sir.
250 Q. He was engaged with Mr. Andress as partner in the paint business in 1893?
A. I think he was putting up all the money.
251 Q. That was in 1893?
A. Yes, sir.
252 Q. How long had he been engaged in that business prior to 1893?
1695 A. I don't know, Mr. Hanly, that I can state exactly the year, but to approximate it I would say in 1887.
253 Q. And he had no partnership interest with Andress, did he?
A. I don't know as to that.
254 Q. Not to your knowledge?
A. I know he was putting up the money, whether he had any interest in the business or not I couldn't say.

255 Q. You simply know he was furnishing money to Ed. Andress to run the business?

A. Yes, sir.

256 Q. The business was not run in Mr. Nash's name?

A. No, sir.

257 Q. It was run in Ed. Andress' name, was it not?

A. I am not sure as to that. It seems to me there was a company but I am not positive.

258 Q. What business did Mr. Nash transact in the office in the city of New York in 1893, if you know?

A. I don't know, indeed.

259 Q. Don't you know he did not transact any business?

A. I don't, Mr. Hanly.

260 Q. Did he transact any business there while you were in his office?

A. No, I don't remember seeing him do any business except to call Andress in and give him a scoring.

261 Q. Was he in the money loaning business in New York city outside of the money he furnished Ed. Andress?

A. I don't know.

262 Q. He was not, to your knowledge, was he, in that business?

A. No, sir.

263 Q. Who is William A. Goodman?

1696 A. He is president of the National Lafayette bank at Cincinnati, Ohio.

264 Q. How long has he been president of that institution?

A. Ever since I have known him.

265 Q. Were you ever in Cincinnati with Mr. Nash?

A. Yes, sir.

266 Q. Were you ever in Lafayette bank in the city of Cincinnati with Mr. Nash?

A. You mean the National Lafayette bank?

267 Q. Yes?

A. Yes.

268 Q. More than once?

A. Yes, sir.

269 Q. You have frequently called at this bank to see Mr. Nash and Mr. Goodman both, have you not?

A. Yes, sir.

270 Q. What kind of an institution was that?

A. A bank.

271 Q. A national bank, was it?

A. Yes, it was a national bank.

272 Q. What was its capital stock?

A. I think its capital stock was $400,000.

273 Q. It is an old established institution?

A. Yes, sir.

274 Q. They had and did have at this time safes and vaults that were modern for the keeping of valuables, didn't they?

A. I don't know as to that.
275 Q. Did you ever see their bank vaults?
A. Not of the bank, no, sir.
276 Q. Did you ever see the safes of the banks?
A. Not that I remember of. I might have glanced at them when passing along.
1697 277 Q. Do you know where they kept their money, their deposits?
A. I don't.
278 Q. Did you ever cash a draft there or check or get money out of the bank?
A. I have no recollection of ever getting any money there.
279 Q. Whereabouts in Cincinnati is it located?
A. It is on Third street.
280 Q. It is a bank that does a large business, does it not?
A. Yes, sir.
281 Q. Do they not have safety deposites vaults there?
A. Yes, sir.
282 Q. And advertise such, do they not?
A. My understanding of it has been these safety deposit vaults are separate from the bank.
283 Q. They are under the management of the bank?
A. I think not, I never understood so.
284 Q. They are kept in the same building?
A. Yes, sir.
285 Q. And by the same officers?
A. I think not.
286 Q. How did you come to know they had these safety deposit vaults in the building?
A. Because Mr. Nash had a box there.
287 Q. In which he kept valuable papers, did he not?
A. Yes, sir.
288 Q. Was Mr. Goodman the agent of Mr. Nash?
A. Yes, sir.
289 Q. How long was he Mr. Nash's agent?
A. Well, I don't know, Mr. Hanly; I can't tell.
290 Q. When did you first learn he was his agent?
A. My understanding was he was his agent when I first commenced with Mr. Nash in 1879.
1698 291 Q. And continued to be up to the old man's death, did he not?
A. Yes, sir.
292 Q. And as agent down there what business did he do for Mr. Nash?
A. He made investments of Mr. Nash's money.
293 Q. On Ohio property, did he not?
A. Yes, sir.
294 Q. Purchased bonds for him, didn't he?
A. Yes, sir.

295 Q. Do you know where the bonds he purchased were kept?
A. They were kept in the safety deposit there.
296 Q. In the bank building?
A. Yes, in the bank building, not in the bank.
297 Q. What relation, if any, or interest did Mr. Goodman have in the safety deposit vaults?
A. I don't know whether he owned any stock in it or not.
298 Q. Was he an official and did he have anything to do with these vaults?
A. I can't tell you that.
299 Q. The safety deposit vaults are kept in a separate building from the bank building, are they?
A. They are in the same building but on the other side of the hall, as I call it.
300 Q. And this bank building stands separate and apart, the entire building I speak of is unconnected with other buildings, is it not?
A. My impression is it is apart from the other buildings, yes, taking the building as a building.
301 Q. Mr. Goodman during all these years you speak of was engaged in loaning money for Mr. Nash?
A. He was.
1699 302 Q. On Ohio real estate, was he not?
A. He was.
303 Q. And had general charge of Mr. Nash's financial matters in the city of Cincinnati, did he not?
A. He did.
304 Q. Did Mr. Nash have an office in the city of Cincinnati?
A. I think not.
305 Q. Did you see him there frequently?
A. Yes, sir.
306 Q. He spent quite a large portion of his time in Cincinnati, did he not, during the years you knew him?
A. Well, I couldn't say that he did.
307 Q. How much of his time?
A. I think Mr. Nash's time he spent in Cincinnati was about on a par with what time he spent here.
308 Q. And where did he stop when he came to Cincinnati, if you know?
A. Usually at the Hotel Emery.
309 Q. When did Mr. Nash, if he ever told you, cease to live and have his residence in the State of Indiana?
A. I could not tell you that.
310 Q. You say that he told you that in the '40's, or from 1840 to 1850 he lived in this city?
A. Yes, sir.
311 Q. Did he ever tell you when he ceased to live here?
A. Well, if he has, Mr. Hanly, I have forgotten the date.
312 Q. Did he tell you where he went to live when he left here?

A. He went to Ohio; Cincinnati.

313 Q. How long did he live in Cincinnati, Ohio?

A. Well, he lived there he told me until the time he got married.

314 Q. Do you know when he was married?

1700 A. I don't.

315 Q. Didn't you have a conversation with Mr. Nash in which he talked to you about making his will and said to you if the law was not changed he would change his residence?

A. Not in that language.

316 Q. Did you have a conversation with him on that subject?

A. Yes, sir.

317 Q. And what did he say?

A. He said something in this way, that—the old man was angry in reference to the failure of my getting a bill through the legislature legalizing a will made in this State, to make it legal without putting his executors and trustees under a bond.

318 Q. He had been talking to you about making his will, had he not, at that time?

A. He talked to me many times,—a great deal about his will.

319 Q. At this particular conversation he had been talking about making his will?

A. Not about making his will.

320 Q. He told you he had made his will?

A. Yes, sir.

321 Q. And told you he had made you his executor, did he not?

A. Yes, sir, he did.

322 Q. One of them, and told you he had provided in the will that you should serve without bond, did he not?

A. Yes, that matter came up in that way.

323 Q. And you informed him that under the laws of this State—you either informed him at that time, or prior thereto, that under the law in this State his executors would be required to give bond, that the court would require him to give bond notwithstand-

1701 ing the provisions in the will that he was not to give any bond?

A. That is correct.

324 Q. And he had desired you to secure the passage of a law in the legislature authorizing an executor to serve where the will provided, without a bond?

A. No, sir.

325 Q. Had you not been trying to get that kind of a law passed?

A. Yes, sir.

326 Q. Wasn't it at his solicitation you were trying to get it done?

A. No, sir.

327 Q. You told him you were trying to get such a law passed?

A. After the thing had been a failure, Mr. Hanly, I told him.

328 Q. You were examined before the auditor on the hearing given by the auditor under the notice to the executors to put this property on the tax duplicate, were you not?

A. Yes, sir.

329 Q. Examined under oath, were you not?

A. Yes, sir.

330 Q. Mr. Reser here took that examination in shorthand, didn't he?

A. Yes, sir.

331 Q. I will ask you if in that examination you were not asked the question, "What do you know about his residence?" And did you not answer it, "He said to me a number of times -at Westchester, New York, or Westchester county, New York, was his residence and he told me a number of times his residence was in Cincinnati, and he said to me a number of times his residence was in Lafayette?

1702 A. Yes, sir.

332 Q. I will ask you if at that time you were not asked, "When was the last time he said his residence was in Lafayette?" and did you not answer, "Following the first session in the legislature in which John McHugh was in the State senate?"

A. Yes, sir.

333 Q. Now I will ask you if at that time you were not asked this question, "How did he come to tell you about his residence then?" and did you not answer, "Well, he had been here the previous season visiting us, and he told me I was one of his executors and one of his trustees, and the old man died thinking I was one of his executors. We were sitting in the office one day talking about his will and I asked him if he knew the amount of a bond his executors would be required to give when he died. He said, "No" I said, "Do you know what you are worth?" He said, "No" I said, "I know pretty well what you are worth." He asked me and I told him; he said, "I guess not? I said "I know." Says I, "Your executors will have to give a bond of nineteen hundred thousand dollars; you tell me I am one of them, but before I would attempt to give a bond that large I would go out on the street to piling stone." Well, he went away but in that conversation he said to me, "It don't make any difference about the bond; I have a clause in my will to not put my executors or trustees under a bond." I said, "That won't cut any figure in this State." He said, "I think you are mistaken." I said, "No, I am not; Judge Langdon would put ever- devil of us under bond the first time he went into court." He went away and came back the next year, byut while he was

1703 gone I got Charley Stuart to draw a bill, and sent it over to John McHugh to get the legislature to pass a law legalizing a will made in that way, but John failed to get it through; the next year when Mr. Nash came back I told him about it, and I told him what I had done and he got very angry, and slapped his hand down on mine and said, "By God I will change my residence; I won't live in such a damned State." Was that not the question asked you and did you not so answer?

A. Yes. As to slapping his hand down on mine, that is simply a

mistake. Of course that don't amount to anything. He slapped his hand down on the table, not on mine.

334 Q. You became Mr. Nash's agent here in 1879?

A. Yes, sir.

335 Q. At that time what were you directed to do?

A. I had charge of all his farms in three countries, Tippecanoe, White and Montgomery.

336 Q. By that you mean you were given authority to rent the farms, to collect the rents and account to him for the profits of the farms?

A. Yes, sir.

337 Q. You paid the expenses, if any, any taxes on the real estate?

A. No, sir.

338 Q. You accounted to him for the gross proceeds?

A. I collected the money and paid it into James McCormich.

339 Q. And James McCormick at that time was his agent here?

A. I don't know whether he was considered his agent or not. He was in the office and it was to him that I paid in the money.

340 Q. He was in the office with Mr. Andress, was he not?

1704 A. Yes, sir.

341 Q. And in connection with Mr. Andress had charge of the money that was being loaned and of making the loans for Mr. Nash on Indiana property, did he not?

A. I so understood it, yes, sir.

342 Q. Where was their office at that time?

A. At that time it was in the east room where the Farmers & Traders bank is.

343 Q. That is in Lafayette?

A. Yes, sir.

344 Q. Do you know what was done with the money by Mr. McCormick after you turned it over to him?

A. I don't.

345 Q. Were Mr. Nash's farms at that time rented for grain or for cash?

A. Generally for grain.

346 Q. When did you take charge of this loaning business here?

A. Well, Mr. Nash really was not loaning any money here until my impression is along in 1887, although there was a few loans made.

347 Q. But in 1882 he enlarged your authority as agent, did he not?

A. Yes, sir.

348 Q. And put you in charge of an office in this city, did he not?

A. Yes, that is right.

349 Q. And in that office there were two safes, were there not?

A. Yes, sir.

350 Q. Those two safes were at the time you were first made his

agent in the office where Mr. McCormick was keeping his
1705 office?

A. Yes, sir.

351 Q. And those safes are still in your possession, are they not?

A. Yes, sir.

352 Q. And have been continuously ever since 1882?

A. Yes, sir.

353 Q. And neither of them is a burglar proof safe, is it?

A. It is considered such.

354 Q. Do you think it is?

A. Well, Mr. Hanly, that would be a hard question for me to answer, as to whether there is any safe burglar proof or not. To illustrate, I felt at one time that I was in danger even with this burglar proof safe and I moved it over into the safety deposit vault in the Merchants national bank.

355 Q. You felt it was not a safe protection against burglars?

A. Yes, though at the same time it was called burglar proof.

356 Q. When was it moved into the vaults of the Merchants national bank?

A. I don't remember.

357 Q. About what year was it?

A. Oh, it was possibly 1895 or 1896.

358 Q. That was after the death of the old gentleman?

A. Yes, sir.

359 Q. From the time you took possession of the safe up to the time of his death where did you keep it?

A. In the vault.

360 Q. What vault?

A. Well, I took possession of the safes when the office was
1706 back of the Fowler national bank, in the Stockton building. They were there for a few years.

361 Q. Were they in a vault there?

A. Yes, sir.

362 Q. Where did you take them from there?

A. I took them over to the Coleman building, in the corner room and put them in a vault there.

363 Q. Kept them in the vault at that place?

A. Yes, sir.

364 Q. Where did you take them from there?

A. I moved one of them to my present office in the Wallace building.

365 Q. Is it in the vault there?

A. Yes, sir.

366 Q. And in 1895 you took one of them and placed it in the vault of the Merchants national bank?

A. I think it was in 1895, I am not positive.

367 Q. Because you thought it wasn't a safe place to keep your trust funds and papers?

A. I felt it would be safer at the other place.

368 Q. Who paid the rent on the office at the time Mr. Andress and Mr. McCormick had charge.

A. I don't know.

369 Q. Who paid the rent on the office the first year you took charge?

A. Mr. Nash.

370 Q. And continued to pay rent on the office kept by you during his life time, did he not?

A. Yes, sir, he did.

371 Q. Was Mr. Nash present in 1882 when you took possession of the office and of the safe?

A. No, sir.

372 Q. Who was?

1707 A. McCormick.

373 Q. What property did Mr. McCormick turn over to you, I mean, of course, what property belonging to Mr. Nash?

A. I couldn't tell you exactly, Mr. Hanly.

374 Q. Well, your best recollection?

A. I found when he opened the vault or gave me the combination probably to the vault; I don't remember whether he opened it or gave me the combination, but I found in these safes insurance policies, farm leases, leases on city property and a few notes and mortgages and a few books.

375 Q. The notes and mortgages were on Indiana property, were they not?

A. Yes, sir.

376 Q. What was the aggregate amount of the notes and mortgages in 1882, that were turned over to you?

A. I couldn't tell you.

377 Q. Have you no judgment about it, no recollection?

A. There was very few, Mr. Hanly, very few.

378 Q. What would they amount to?

A. I couldn't tell you.

379 Q. He turned over to you at that time all the Indiana notes and mortgages then owned by Mr. Nash, did he not?

A. Yes, sir.

380 Q. Don't you know that at that time Mr. Nash had loaned on Indiana property, or money loaned secured by mortgages on Indiana property in excess of $24,000?

A. Well, possibly he had, but $24,000 I would consider a small amount.

381 Q. Then it is your judgment he did have as much as $24,000 in 1882, and that much was turned over to you?

1708 A. I don't know, indeed. I would not like to say. It is something I didn't charge my mind with. I know there was a few small loans that were unpaid.

382 Q. Don't you know that in 1882, a note of $1,000 secured by mortgage, exec uted by Emeline McGinley was turned over to you?

A. I don't think it was.

383 Q. Don't you know that a note executed by Adolphus Marks and secured by mortgage on Indiana real estate for $1,000 was turned over to you in 1882?

A. There was a mortgage on a piece of property that Adolphus Marks had owned, but he had sold it to somebody else. I remember such a mortgage.

384 Q. And don't you know that a mortgage executed by Anna G. Kumler securing a note for $1,000 covering Indiana real estate was turned over at that time to you?

A. Yes, sir.

385 Q. And a note and mortgage by George Munea for $650?

A. I have no recollection as to that.

386 Q. You are clear, however, in your remembrance of the fact that whatever Indiana notes and mortgages then owned by Mr. Nash were turned over to you at this time?

A. I think they were.

387 Q. In 1882, Mr. Nash gave you authority to check on his account at the Fowler national bank, did he not?

A. He did.

388 Q. And you continued as occasion required in the transaction of his business here to check on that account?

A. I did.

389 Q. Up to the time of his death?

A. Yes, sir.

1709 390 Q. You continued from 1882 up to the time of his death to make loans for Mr. Nash on Indiana property from time to time, did you not?

A. No; Mr. Nash really wasn't making any loans at that time and never gave me any authority to make loans according to my recollection until 1887, but in a few cases parties came to me for money and I would write Mr. Nash and there was a few loans made.

391 Q. You made some loans for Mr. Nash in 1882, did you not?

A. I think not.

392 Q. Were there any loans made for anybody else for Mr. Nash on Indiana property after you became his agent in the loaning business?

A. Not in this State. I say I think not in 1882, that is my best recollection. I made no loans for Mr. Nash in 1882.

393 Q. Were there any loans made on Indiana property for Mr. Nash in 1882?

A. I think not. I may be mistaken but that is my best recollection.

394 Q. Were there any loans made on Indiana property for Mr. Nash in 1883?

A. I think there was.

395 Q. What loans?

A. My impression is there was a loan made to Mr. Earl in 1883.

396 Q. For how much?

A. I think it was $20,000.

397 Q. And what other loans were made by you for Mr. Nash in 1883.

A. I don't remember of any other loans in 1883, yet there
1710 was a few men living in the city and in the country that some times would come into the office and want to borrow some money for a short time, some times on personal security. I know I made some such loans but whether any of them were made in 1883, or not, I don't remember now.

398 Q. Then you loaned money for Mr. Nash from time to time to persons living in Indiana on personal security and without mortgage security?

A. Occasionally I did where they were personal friends of his or mine that wnated it and where it was perfectly safe.

399 Q. Where did you get the money for the $20,000 loan made to Earl?

A. I cannot answer the question, Mr. Hanly. I really don't remember. I might have had the money here or it might have been sent here from Cincinnati, or he might have sent it from New York; I don't remember.

400 Q. It is true that during the term of your agency from time to time money was sent here from Cincinnati or New York, wasn't it?

A. Yes, sir.

401 Q. And sent to you and placed on deposit in the bank?

A. Yes, sir.

402 Q. And afterwards loaned by you for Mr. Nash?

A. Yes, sir.

403 Q. How often did that occur?

A. Well, not very often until after 1887.

404 Q. After 1887 it frequently occurred, didn't it?

A. Yes, sir; there is one other matter I would like to speak of while I am here. In my deposition before the auditor I spoke about taking charge of Mr. Nash's office in 1885. Of course I had
1711 no time to reflect or think very much and it just came to me that was the time, and I put that as the time. I said I thought that was the time but I found afterwards I was mistaken, and that it was in 1882 in place of 1885. It don't cut any figure in this case but I wanted to correct that.

405 Q. Don't you know that in 1880, Mr. Nash paid taxes on property returned either by him or his agent on personal property, notes and mortgages, about $68,000,—Indiana notes and mortgages?

A. I know it simply from the receipts for taxes.

406 Q. And in 1879 he paid taxes on personal property, returned either by him or his agent, personal property located in Indiana on $79,000 did he not?

A. I don't know about that, personally I do not know.

407 Q. But don't you know there were receipts covering that amount of property and taxes paid thereon turned over to you?

A. No, sir, not for 1879.

408 Q. Don't you know that for the year 1879 taxes on omitted personal property, notes and mortgages, Indiana notes and mortgages, were placed upon the tax duplicate by A. O. Behm to the value of $55,986?

A. Well, I don't know how to answer that question. In one way I know it. I didn't know it until a few days ago.

409 Q. You have examined the records since?

A. Well, yes.

410 Q. And you found that to be true?

A. That is true. That is I say it is true. I say it is true after hearing the evidence here.

411 Q. And by seeing the records?

1712 A. I have not seen the records.

412 Q. Did you see it down there?

A. No, I have not seen the record. I simply know it by hearing the evidence here.

413 Q. Were you during the years from 1882 to 1893 engaged in loaning money on real estate for persons other than Mr. Nash?

A. I was,—well, from 1882 probably on, probably from 1884 I was.

414 Q. When this office was turned over to you by Mr. McCormick together with the property then in it, it was understood he was turning over to you the property and office of Job M. Nash, was it not?

A. I so understood it, yes.

415 Q. And Mr. Nash had said to you he wanted some one he could trust in his office here?

A. Well, yes, I don't know as it was in those words.

416 Q. To act as his agent,—where did you deposit the money that came into your hands belonging to Mr. Nash?

A. In the Fowler national bank, up until the opening of the Merchants national bank.

417 Q. Do you know what year that was, Mr. Buck?

A. I think it was in 1891.

418 Q. And where after 1891 did you deposit the money belonging to Mr. Nash that came into your hands?

A. The Merchants national bank.

419 Q. Did you carry bank accounts with any other banks than these two; I mean in your capacity as agent for Mr. Nash?

A. No, sir.

420 Q. What books were turned over to you by Mr. McCormick?

1713 A. There was some books in the office that were marked "Andress & Wood."

421 Q. What became of those books?

A. They were burned up.

422 Q. What did the books contain with reference to the business of Mr. Nash?

A. Well, that is a pretty hard question. My recollection is that these books had been closed up at the time Andress & Wood left the office,—the accounts that I found on these books, on these books I think they were,—there was a personal account of Job M. Nash, a cash account and a bank account, and there was an account, against each piece of property that he owned.

423 Q. Wasn't there also a list of Indiana mortgages?

A. Yes. There was an old memorandum book that I think had a list.

424 Q. That book contained a list of the names of the persons who had executed notes secured by mortgages on Indiana real estate with the date of the mortgage and the amount, did it not?

A. That was the object of having the book; yes, I think so.

425 Q. And the notes and mortgages there listed and described were the property of Mr. Nash?

A. I presume so.

426 Q. And a portion of the notes and mortgages and a number of the notes and mortgages there listed and described were turned over by Mr. McCormick to you?

A. That I think is correct, a portion of them.

427 Q. What became of that book?

A. That book was burned up.

1714 428 Q. Have you now or have you since had any memorandum or dates in writing that would enable you to state what notes and mortgages were listed in that book at the time it was turned over to you?

A. No, I have not, Mr. Hanly.

429 Q. You don't now undertake to say from memory how many notes and mortgages there were, do you Mr. Buck?

A. No, I don't.

430 Q. Nor the aggregate amount of the loans represented by them?

A. I can't state.

431 Q. Had you been directed to go to this office kept by Mr. McCormick and take possession of the property kept there that belonged to him?

A. No, sir.

432 Q. You had received no direction?

A. Not until after I took possession.

433 Q. How did you come to take possession?

A. Well, I came into the city one day and went into the office and in talking with Jim McCormick I found he was a little bit deranged.

434 Q. Mentally, you mean?

A. Yes. At times he was all right and at other times he was all wrong. At one of these times when he was feeling all right he told me his condition. He knew it himself and he told me he thought

Mr. Nash ought to be informed of the condition of things here, and he was unfitted to keep possession of the office.

435 Q. And you so informed Mr. Nash?

A. I wired Mr. Nash at once.

436 Q. And you took possession before Mr. Nash arrived?

A. I did.

1715 437 Q. You were in possession then of the office and the safes and the property you have testified about when Mr. Nash arrived?

A. I had possession of it.

438 Q. What did Mr. Nash say to you when he came about what you had done?

A. I don't know. I can't remember particularly that he said anything. It would be a natural consequence that I would take possession.

439 Q. He did not criticise you for it?

A. Not at all.

440 Q. He approved of your taking possession did he not?

A. Yes, sir.

441 Q. And at that time employed you as agent to take charge and put you in charge of his office?

A. Yes, sir.

442 Q. And of the property you then had in your possession?

A. Yes, sir.

443 Q. What was said at the time of your employment about your compensation for the services that you were to render?

A. Well, we had a talk as any two men would have that were making a bargain in reference to one man doing the business of another.

444 Q. What was said, Mr. Buck, in substance, if you remember it?

A. When Mr. Nash discovered the condition Mr. McCormick was in he was a good deal put out because he thought a great deal of Mr. McCormick, and he said he didn't know what he would do for a man in his office, that he didn't know of anybody he would trust with his business, and I said to him to take his time, that it was not necessary for him to hurry, that I would take charge of

1716 his office until he could find some one. "Well," but he says, "you can't keep my books; can't keep my accounts." "Yes," I said, "I can keep any books." He seemed surprised. Then he began to talk to me about hiring me. The result was he employed me by the year or by the month.

445 Q. You were to receive a fixed compensation by the month or by the year?

A. Yes, sir.

446 Q. Did that compensation continue the same during all the time of your employment?

A. From that time on, yes, sir.

447 Q. How much was that compensation?

A. Well, what has that to do with this case? Have I got to answer that question?

448 Q. We think it is important. We don't want to embarrass you or anything of the kind, but from our standpoint we want the information?

A. Well, it was a hundred dollars a month.

449 Q. I believe you say he had no other agent in Indiana from 1882 up until the time of his death than yourself?

A. No, sir, he did not.

450 Q. When you took charge of the office at the time Mr. McCormick turned it over to you did you find any notes or were any notes turned over to you secured by mortgages on property outside of Indiana, or executed by persons living outside of Indiana?

A. There was not.

451 Q. When did you first receive notes executed by persons living outside of Indiana, or secured by mortgages on property outside of Indiana?

1717 A. Well, it must have been in the latter part of 1883, or the first part of 1884, is my recollection.

452 Q. How did you receive them? How did they come to you? How were they transmitted to you?

A. I think by express.

453 Q. Where did they come from?

A. They came from Cincinnati, Ohio.

454 Q. Who sent them?

A. W. A. Goodman.

455 Q. How many notes did you receive from Mr. Goodman at the time you first received notes from him?

A. I can't state, Mr. Hanly.

456 Q. Have you no memorandum in your office that shows that fact.

A. No, sir.

457 Q. Did you not make a list of these notes Mr. Goodman sent you?

A. It would not show the amount that I received the first time, possibly I might have received three or four or five or six or seven, I don't remember.

458 Q. They continued to come from time to time after 1884 until Mr. Nash's death, did they not?

A. Yes, sir.

459 Q. They were sent usually from Cincinnati, Ohio, and by Mr. Goodman, were they not?

A. Yes, sir.

460 Q. When you received these notes from time to time you listed them in a record or book kept for that purpose, did you not?

A. I did.

461 Q. In that book you gave the name of the debtor, the character and the amount and the date, did you not?

1718 A. I did.

462 Q. And the date when given and the date when due?
A. That is right.
463 Q. These notes were accompanied, usually by mortgages and by coupon interest notes, were they not?
A. Usually by mortgages.
464 Q. Were they not also accompained by coupon interest notes?
A. Well, they were accompained by interest notes. I don't know whether you would call them coupon or not. I never did.
465 Q. Interest notes separate and apart from the principal notes?
A. Interest notes that were payable over six months during the continuance of the loans.
466 Q. There were as many interest notes as there were terms of six months in the life of a loan?
A. Yes, sir.
467 Q. You listed these Ohio notes or the notes you received from Mr. Goodman in the same book in which you listed the Indiana notes and mortgages and the loans you were making did you not?
A. I did.
468 Q. Where is that book, Mr. Buck?
A. I have it.
469 Q. Will you bring it after dinner?
A. Why, I will think about it. I wouldn't say that I won't.

Mr. HANLY: We will ask you to bring that book with you at the next session of the commissioner's court.

470 Q. How long did you keep the Ohio notes sent you by Mr. Goodman before you returned them to Ohio?
1719 A. My orders from Mr. Goodman was to always return any note either principal or interest to him which was falling due in the next month coming, a few days before the begin-ing of the coming month.
471 Q. And you observed those directions, did you?
A. I always did.
472 Q. What if any entry did you make upon the book in which you registered the Ohio notes when you sent an interest note to Ohio for collection?
A. I would write under the head "Remarks" I think this "Sent W. A. Goodman, November 15th." For instance.
473 Q. And when the principal note would fall due and you sent it to Cincinnati, what if any entry would you make in this book?
A. The same entry as I would an interest note.
474 Q. Except that it referred to a principal note?
A. There was no reference only "Sent W. A. Goodman, November 15th" or whatever the date was.
475 Q. Where did you make this entry on the book with reference to the note it referred to?
A. I made it under the head of "Remarks." I think this was on the right-hand side of the page.
476 Q. And opposite the note referred to?

A. Opposite the note referred to.

477 Q. What was the aggregate amount of the Ohio notes in your hands at the time of Mr. Nash's death in 1893?

A. I couldn't say.

478 Q. Have you any date or memorandum from which you can say.

A. Yes, I can.

479 Q. Why did Mr. Goodman send the Ohio notes to you in Lafayette?

1720 A. I explained that matter here once. Do you want me to go over it again?

480 Q. Answer the question, Mr. Buck, if you know?

A. When Mr. Nash would come out here he generally would stop at Cincinnati and have his bank account made up, his bank book, and he brought it to me to have me figure it over, to see if it was correct. I did this a few times and I finally asked him what the object was and he said to me it was for the purpose of ascertaining whether Mr. Goodman was giving him credit in Cincinnati for all the collections upon the loans made by Mr. Goodman down there. I said to him, it didn't show whether Mr. Goodman was giving him credit or not. That the book did not show that fact. I said to him that I thought the best thing he could do would be to have Mr. Goodman send me a memorandum of all the loans he had for him and ask Mr. Goodman to report to me when he made the collections, and that then when he came out here I could check over with him his bank book, and we could tell then whether he was getting credit for all the collections upon all the loans Mr. Goodman had made for him.—I might go on and tell what was done, if that was necessary.

481 Q. Well, I will come to that. The bank book that he presented to you in the conversation you have just testified about wasn't the bank book used here by you in connection with his banking business in this State?

A. Oh, no, he had a bank account in Cincinnati with the National Lafayette bank.

482 Q. What relation did Mr. Goodman bear to that bank?

A. He was president of the bank.

483 Q. And the thing he wanted you to ascertain was whether

1721 or not Mr. Goodman was giving him credit on this book for all the collections made?

A. That is it, giving him credit in his bank.

484 Q. You suggested it, that he have Mr. Goodman send you a list of his notes and securities in the hands of Mr. Goodman and thereafter notify you when a collection was made?

A. I did; that was it.

485 Q. Instead of sending you a memorandum to that effect Mr. Goodman sent the notes themselves, did he not?

A. Well, let me go on and explain to Mr. Hanly and then you can ask any question you wish.

486 Q. Instead of sending you a memorandum to that effect, Mr. Goodman sent the notes themselves, did he not?

A. He did.

487 Q. Now, if you have any explanation to make, Mr. Buck, make it?

A. As I said, I told Mr. Nash that the proper way to do was to have Mr. Goodman send me a memorandum of all the loans that he had for him down there, and that then we could check over every time he came out here and see whether he was getting credit for all collections Mr. Goodman had made for him, and I suggested to Mr. Nash that he have a memorandum book made so that I could put these loans down, these mortgage notes in this memorandum book and the result was he ordered me to have such a book made and I did.

488 Q. But Mr. Goodman never sent you a memorandum of the loans, but instead sent you the notes and securities themselves?

A. He sent me the notes and securities, yes, sir.

489 Q. Did he send you any bonds?

A. Never did.

1722 490 Q. When you would send a note to Mr. Goodman for collection what, if any, information would Mr. Goodman give you about the collection of the note?

A. He would write me that a certain note had been paid and I would turn to my memorandum book and so note it on the book.

491 Q. Opposite the note to which it referred?

A. Yes, sir.

492 Q. Then your memorandum book or register would show in regard to each note that the note was sent at a certain time to Mr. Goodman?

A. Yes, sir.

493 Q. And at a certain time it had been paid to Mr. Goodman?

A. That is right.

494 Q. Did any of those notes sent to Mr. Goodman for collection come back to you uncollected or were they always collected?

A. They would come back some times renewed.

495 Q. A new note being given?

A. No, just renewed the old one.

496 Q. How would it be renewed?

A. Right across the back of it, renewed for one or two or three or four or five years.

497 Q. The time they would be extended, as you have indicated?

A. Yes, sir.

498 Q. Then you would keep that note here until it again became due, or some interest note on it?

A. Yes, sir.

499 Q. And then send it again to Mr. Goodman?

A. When it became due or a few days before it became due I would send it to Mr. Goodman.

500 Q. Mr. Goodman was your superior agent, was he?

23 A. He was with reference to these Ohio loans.
501 Q. He had charge of the Ohio business?
A. He did.
502 Q. You had then the Indiana business?
A. That is correct.
503 Q. Where, if you know, were the Ohio notes paid?
A. They were paid at Cincinnati, Ohio.
504 Q. What became of the money; where was it put when they re paid, if you know?
A. Put in the National Lafayette bank at Cincinnati, O.
505 Q. How were these notes and mortgages sent to you from ne to time?
A. Either by express or by mail.
506 Q. When these Ohio notes and the bonds owned by Mr. Nash re in Cincinnati where were they kept?
A. The bonds were kept in a safety deposit vault.
507 Q. And when these notes were in Cincinnati where were ey kept?
A. I don't know.
508 Q. You know that Mr. Nash was the owner of a large number bonds and securities other than notes and mortgages, did you not?
A. Yes, sir.
509 Q. And that they were of the value of $100,000 or more?
A. Yes, sir.
510 Q. And those were kept in a safety deposit box in the vault the safety deposit company's building in Cincinnati?
A. Yes, sir.
511 Q. And Mr. Goodman had the personal charge of that box d he not?
A. I don't know about that.
24 512 Q. He went to it from time to time when he had business in connection with these securities, did he not?
A. I am not sure.
513 Q. Who, if any one else in Cincinnati, acted as agent of Mr. ash in connection with his money loaning business other than Mr. oodman?
A. No one that I ever knew of.
514 Q. When Mr. Nash was away from Cincinnati Mr. Goodman ad full charge and control of his Cincinnati business, did he not?
A. I think he did.
515 Q. What became of the Ohio notes each year or where were ey on the first day of April of each year after they were sent to ou?
A. I sent them to Mr. Nash in Cincinnati, Ohio.
516 Q. Would they be addressed to Mr. Nash or to Mr. Goodman?
A. Addressed to Mr. Nash.
517 Q. To Cincinnati, Ohio. Were they there on the 1st day of

April or did you send them there prior to the 1st day of April of each year after you received them?

A. I did.

518 Q. Did you know Mr. Nash was in Cincinnati at the time you would send these securities down there?

A. Sometimes he was and sometimes I was under the impression he was not. I never was certain.

519 Q. Do you know who received Mr. Nash's mail there in his absence?

A. I sent the mail in care of the National Lafayette bank.

520 Q. You did not send it at any time in care of Mr. Goodman?

A. I think I did.

1725 521 Q. Some times?

A. Yes, either to Mr. Goodman or the bank, one or the other.

522 Q. How long before the 1st day of April of each year would you send the Ohio notes and mortgages to Cincinnati?

A. Well, from the 25th to the 28th of the previous month.

523 Q. Of March?

A. Of March. If I were sending a paper for April I would send it about the 25th and sometimes the 24th or the 28th.

524 Q I understand you to say you would send all the Ohio notes and mortgages prior to the 1st of April to Cincinnati each year?

A. I did.

525 Q. How long before the 1st of April would you send them?

A. I would say about four or five days.

526 Q. And how long after the 1st of April before they were again received by you?

A. Some times during the month of April.

527 Q. When you sent these notes and mortgages to Cincinnati just prior to the 1st of April each year did you send them all in one package?

A. Yes, sir.

528 Q. How would you send them? How would you transmit them?

A. By express.

529 Q. Would you receive them back by express?

A. I think I did always.

530 Q. In one package?

A. Yes, I think so.

531 Q. Directed to you?

A. Yes, sir.

1726 532 Q. Would they be sent back to you in the same package that you sent them away in?

A. Generally, yes, sir, in the same envelope.

533 Q. What if any memorandum or entry did you make on your note register when you would send away all the notes just prior to the 1st of April?

A. I would simply make a check.
534 Q. What do you mean?
A. Just a pencil check.
535 Q. A cross or check mark with your pencil?
A. Just a check mark with a pencil.
536 Q. What if any entry would you make when the notes would come back the 1st of April?
A. I would mark out the check.
537 Q. What did the check mean to you?
A. Simply a memorandum of my own to know that I got the notes back.
538 Q. In the first instance you had sent them out?
A. Yes, sir.
540 Q. How did you come to send the Ohio notes just before the 1st of April of each year down to Cincinnati?
A. Well, I, will tell you that. In 1886 a gentlemen in this town, now dead, and I were talking about Mr. Nash's taxes. He asked me what he was paying taxes on and I told him. He asked me what I had here and I told him. He said to me he thought I was doing wrong and possibly laying myself liable by not giving in all his property here for taxation, and he told me very plainly that it was my duty to do so. I wrote to Mr. Nash the circumstances and said to him that I understood the law was that I was compelled, as his agent to give in every bit of property I had here in my
1727 hands for taxation, and that when the 1st of April came I should do so if it was in my hands, and he wrote me then to send all the paper, all the notes and mortgages that were made in Ohio to him at Cincinnati and he would attend to the taxation himself, giving them in for taxation himself.
541 Q. When was this?
A. This was previous to the 1st of April, 1887.
542 Q. Then you never had sent the Ohio notes in bulk to Ohio prior to 1887.
A. I think not.
543 Q. They had been in Mr. Nash's office in the city of Lafayette on the 1st day of April of each year prior to that time?
A. Yes, I think so.
544 Q. After you had received them from Mr. Goodman?
A. Yes, sir.
545 Q. You had and did not give those in for taxation?
A. I didn't; in fact there was nothing given in for Mr. Nash for taxation from 1881 to 1886 inclusive.
546 Q. Real or personal?
A. Well, personal property that is what we all understand.

The further taking of these depositions is here continued at twelve o'clock noon, Friday, November 15th, 1901 until two o'clock of the same day, present as heretofore and the further taking of these depositions is continued as follows:

1728 Cross-examination of Mr. BUCK by Mr. HANLY continues as follows:

547 Q. Among the Ohio notes sent to you by Mr. Goodman there was one executed by W. H. Blymyer for $6,166.66 that was in your hands on the 1st day of April 1884?

A. I think so. I don't want to swear positively a note was in my hands on the 1st day of April that is dated any time after the 15th of March, that is asking me to do something impossible.

548 Q. You are swearing as to your best impression?

A. Yes, sir.

549 Q. Among the Ohio notes sent you by Mr. Goodman was one by B. G. Stall, for $5,781.21. I will ask you if that note was in your hands on the 1st day of April, 1884?

A. I think it was.

550 Q. Of the Ohio notes sent you by Mr. Goodman there was one executed by Frank Huntington for $5,000?

A. That is correct.

551 Q. Was that note in your hands on the 1st day of April 1886?

A. Yes, sir.

552 Q. Was there another note executed by E. Huntington for $5,000, was that note in your hands on the 1st day of April, 1886?

A. Yes, sir.

553 Q. Was there another note executed by W. B. Butnett for $3,000?

A. There was.

554 Q. Was that in your hands on the 1st day of April, 1886?

A. Yes, sir.

555 Q. There was a note executed by Thomas L. Young for $4,000

A. Yes, sir.

1729 556 Q. Was that note in your hands on the 1st day of April, 1886?

A. Yes, sir.

557 Q. Was there a note executed by John W. McDonald for $5,000?

A. There was.

558 Q. Was that in your hands on the 1st day of April, 1886?

A. It was.

559 Q. Was there a note executed by D. M. Hyman for $3,500?

A. Yes, sir.

560 Q. Was that in your hands on the 1st day of April, 1886?

A. It was.

561 Q. Was there a note sent you by Mr. Goodman executed by E. E. Williams for $4,066.68?

A. Two notes of $3,033.34 each.

562 Q. Were those notes in your hands on the 1st day of April, 1885?

A. They were.
563 Q. Was there a note executed by B. G. Stall for $5,781.21?
A. Yes, sir.
564 Q. Was that in your hands on the 1st day of April, 1884?
A. Yes, sir.
565 Q. There was also another note executed by the same party for $5,781.21, was there not?
A. Yes, sir.
566 Q. Was that note in your hands on the first day of April 1884?
A. It was.
567 Q. Was it in your hands the first day of April 1885?
A. It was.
1730 568 Q. Was there a note for $1836.66 executed by Frank Huck?
A. Yes, sir, I had it on the first day of April.
569 Q. There was such a note?
A. Yes, sir.
570 Q. And it was in your hands on the first day of April 1886?
A. It was.
571 Q. Was there a note for $2500 executed by Harry J. Lawerence?
A. There was.
572 Q. Was that in your hands on the first day of April, 1884?
A. Yes, sir.
573 Q. Was it in your hands on the first day of April in the succeeding April?
A. No, sir, it was paid October 31, 1884, in Cincinnati.
574 Q. Was there a note among the Ohio notes sent you of $12,000 executed by George G. Horner?
A. Yes, sir.
575 Q. Was that in your hands on the first day of April 1884?
A. It was.
576 Q. Was there a note among the Ohio notes sent you of $5,000, executed by Louis Cook?
A. Two notes for $2500 each.
577 Q. Were those two notes in your hands on the first day of April, 1885?
A. They was.
578 Q. Was there not also a note for $12,500, executed by the same party?
A. No, sir, these two note of $2500 each were repaid by Mr. Goodman at Cincinnati, and he then purchased some more notes in all making four notes of $2500 and two notes of $1250 each, making $12,500.
1731 579 Q. Were those in your hands on the first day of April, 1886?
A. Yes, sir.

580 Q. Was there among the Ohio notes sent you a note for $2,000 executed by Frank H. Handy?

A. Yes, sir.

581 Q. Was that note in your hands on the first day of April 1886?

A. Yes, sir.

582 Q. Was there a note among the Ohio notes sent you for $3,000 executed by Mary Bryant?

A. There was.

583 Q. Was that note in your hands on the first day of April 1886?

A. It was.

584 Q. Was there among the Ohio notes sent you a note for $600, executed by John Kobbe?

A. Yes, it was here for 1885.

585 Q. On the first day of April, 1885?

A. Yes, sir.

586 Q. Was there among the Ohio notes sent you a note for $1,000 executed by Henry Sess?

A. Yes, sir.

587 Q. Was it in your hands on the first day of April, 1886?

A. It was.

588 Q. Was there among the Ohio notes sent you one for $1,000, executed by F. J. Mitchell?

A. Yes, there was four of these notes. They were all of one date for $1,000 each. I had them all on hand on the first day of April 1886.

589 Q. Was there among the Ohio notes sent you one for $800 executed by Allen Freeman?

1732 A. Yes, sir.

590 Q. Did you have that note on hand on the first day of April 1885?

A. I did.

591 Q. Was there among the Ohio notes sent you a note for $800 and a second note for $800 executed by Allen Freeman?

A. Yes, sir.

592 Q. Was that in your hands on the first day of April 1885 and 1886?

A. It was.

593 Q. Was there among the Ohio notes sent you one for $500, executed by E. E. Gorst?

1733 A. Yes, sir.

594 Q. Was that in your hands on the first day of April, 1885?

A. It was.

595 Q. Was there another note for $500 among the Ohio notes sent you, executed by E. E. Gorst?

A. There was.

596 Q. Was that in your hands on the first day of April, 1885, and 1886?

A. It was.

597 Q. Was there among the Ohio notes sent you one for $742, executed by F. B. Plumpton?

A. Yes, sir.

598 Q. Was that in your hands on the first day of April, 1885?

A. It was.

599 Q. Was there among the Ohio notes sent you a second note for $742, executed by the same party?

A. There was.

600 Q. Was that in your hands on the first day of April, 1885 and 1886?

A. It was.

601 Q. Was there among the Ohio notes sent you one for $30,000, executed by John C. Huntington?

A. There were six notes made by John C. Huntington for $5,000 each?

602 Q. Were those notes in your hands on the first day of April, 1885 and the first day of April, 1886?

A. They were.

603 Q. Were there among the Ohio notes sent you two notes each for $2333.33, executed by George H. Rover?

A. Yes, sir.

1734 604 Q. Were both of those notes in your hands on the first day of April, 1885?

A. Yes, sir.

605 Q. Was one of them in your hands on the first day of April, 1886?

A. Yes, sir.

606 Q. Were there among the Ohio notes sent you two notes each for $2200, executed by James Moore?

A. There was.

607 Q. Were both of those notes in your hands on the first day of April, 1885, and the first day of April, 1886?

A. *There* were.

608 Q. Were there among the Ohio notes sent you two notes each for $3500 and executed by Louis Shaw?

A. Yes, sir, there was.

609 Q. Were both of those notes in your hands on the first day of April, 1885?

A. *There* were.

610 Q. Was one of them in your hands on the first day of April, 1886?

A. It was.

611 Q. Were there among the Ohio notes sent you a note for $13,000 executed by John C. Brooke?

A. There are two notes, one of $10,000. I put that down as

$13,000 because I was fishing for room,—one of $10,000, January 5th, 1885 and one of $3,000, dated January 15, 1885.

612 Q. And both of those notes were in your hands on the first day of April, 1885?

A. Yes, sir.

613 Q. Was there among the Ohio notes sent you a note
1735 for $4,000 executed by J. M. Water?

A. Yes, sir.

614 Q. Was that note in your hands on the first day of April, 1885 and the first day of April, 1886?

A. Yes, sir.

615 Q. Was there among the Ohio notes sent you one of $2,000, executed by Jacob Hofley?

A. Yes, sir.

616 Q. Was that note in your hands on the first day of April?

A. It is two notes of $1,000 each.

617 Q. Were both of them in your hands on the first day of April, 1885 and the first day of April, 1886?

A. They were, yes, sir.

618 Q. Were there among the Ohio notes sent you one for $5,000, executed by Warren Wilder?

A. Yes, sir.

619 Q. Was that note in your hands on the first day of April, 1885 and 1886?

A. It was.

620 Q. Was there among the Ohio notes sent you one for $9,000, executed by L. Burkhard?

A. There was.

621 Q. Was that note in your hands on the first day of April, 1886?

A. It was.

622 Q. Was there among the Ohio notes sent you one for $9,000, executed by Josephine Calvert?

A. Yes, sir.

623 Q. Was that note in your hands on the first day of April, 1885, and the first day of April, 1886?

A. It was.

1736 624 Q. Was there among the Ohio notes sent you one for $1,000, executed by Isaac Errett?

A. There were three notes of $3,333.33 apiece. I have got it down there for $10,000.

625 Q. Were those notes in your hands on the first day of April, 1886?

A. Yes, sir.

626 Q. The three Errett notes amounted to $10,000?

A. Well, within a cent.

627 Q. Were there among the Ohio notes sent you one for $6,000, executed by Robert Andrews?

A. There was.

628 Q. Was that in your hands on the first day of April, 1886?
A. It was.
629 Q. Was there among the Ohio notes sent you one for $4,000, executed by Amelia Seymour?
A. Yes, sir; two notes of $3,000 each.
630 Q. Were those notes both in your hands on the first day of April, 1886?
A. They were.
631 Q. Were the notes you have just testified about all the Ohio notes that were in your hands on the first day of April of the respective years named?
A. They were, to the best of my knowledge.
632 Q. In 1887 none of these notes were in your hands on the first day of April?
A. Not one of them.
633 Q. Have you a list of the notes that you put into a package and addressed to Mr. Nash at Cincinnati a few days before the first day of April, 1887?
A. I have not.
1737 634 Q. Have you no memorandum showing what Ohio notes you then had?
A. Nothing, only the book here.
635 Q. The book or register of loans does show the Ohio notes that were in your hands a few days before the first day of April, 1887, does it not?
A. It shows all the Ohio notes that were ever in my possession.
636 Q. And when you received them?
A. No, it don't show when I received them but it shows the date of the note just previous to the time I received them.
637 Q. And can you tell on inspecting that book what Ohio notes you sent away in a bulk just previous to the first day of April, 1887?
A. Yes, sir; I presume that I can tell.
638 Q. Can you tell without an examination of the book?
A. I cannot. I have nothing to tell from except the books and the only way I can get at this is to get at the date of the note.
639 Q. And the same is true of each of the subsequent years up to the time of Mr. Nash's death, the same as 1887?
A. Yes, I can't do it unless I would go through and make a list for each year and I wouldn't do that for a hundred dollars.
640 Q. In 1893, just prior to the first day of April you sent some Indiana notes along with the Ohio notes to Cincinnati, did you not?
A. I did.
641 Q. In 1893, you made a return of the taxable property of Mr. Nash in your hands?
1738 A. I did.
642 Q. Did you include those Indiana notes that you had sent away to Cincinnati, prior to the first day of April?
A. I did not.

643 Q. In 1887 did you send a note executed by Minerva Fowler for $27,000 along with the Ohio notes to Cincinnati?
A. I did.
644 Q. Was that included in your tax return for 1887?
A. No, sir.
645 Q. What if any other notes did you send to Cincinnati just prior to the first day of April, 1887?
A. Not any.
646 Q. What if any Indiana notes did you send to Cincinnati prior to the first day of April, 1888?
A. Not any.
647 Q. Did you send the Minerva Fowler note in 1888?
A. I did not.
648 Q. It was here in your hands?
A. Yes, it was here.
649 Q. What if — Indiana notes did you send to Cincinnati or elsewhere than this State just prior to the first day of April 1889?
A. I didn't send any.
650 Q. What if any Indiana notes did you send to Cincinnati or elsewhere out of the State of Indiana just prior to the first day of April, 1890?
A. Not any.
651 Q. What do you say in answer to the same question as to 1891?
A. The same answer for 1891 and 1892 both.
1739 652 Q. Of the Indiana notes you sent to Cincinnati just prior to the first day of April, 1893, there were ten?
A. There was ten.
653 Q. What did they aggregate?
A. $21,400.
654 Q. And these notes were one executed by O. H. Smith $2500, one by Shonkwiler $3500, one by Shackelton $1500, one by Pierce $1800, one by Fisher $4,000, one by Shirk $1500, one by Cassidy $1500, one by Harkrider $2,000, one by Flougher $1500, one by Fullerton, $2,000?
A. Yes, that is right. I was examined the other day with reference to the Du Charme note. That note was not sent to Cincinnati.
655 Q. How did you come to send these notes to Cincinnati?
A. On the order of Mr. Nash.
656 Q. And did you send the Minerva Fowler note for $27,000 in 1887 to Cincinnati upon the order of Mr. Nash?
A. I did.
657 Q. Was the Minerva Fowler loan secured by mortgage?
A. It was.
658 Q. The $20,000 that was loaned to Mr. Earl, was that secured by mortgage?
A. In the first place I think that was secured by collaterals.
659 Q. Was it secured by mortgage?

A. Not in the start, afterwards I think possible it was.

660 Q. Was the $20,000 all evidenced by one note?

A. I think it was. I am not positive as to that.

661 Q. And that note was given here?

1740 A. I don't recollect. I can tell you by looking at the book.

662 Q. Can you look and tell me, it won't take long, will it?

A. August 13, 1883.

663 Q. You now speak of the loan register in which the Indiana loans and Ohio loans sent you were registered?

A. I do.

664 Q. How long after that note was given was it before it was secured by mortgage?

A. Mr. Earl gave as I said collateral security for this note by giving me a lot of notes on Adams D. Raub and some warehouse receipts for grain. Afterwards this note was delivered up to Mr. Earle with Raub's notes and mortgage, the same having been settled by a loan made Mrs. Fowler, October 15, 1885. It was merged into that loan of Fowler's.

665 Q. Which Fowler note?

A. Mrs. Minerva D. Fowler.

666 Q. What note was merged in the Fowler note?

A. The $20,000 of Earl's.

667 Q. Did Mr. Earl afterwards obtain another loan from Mr. Nash through you?

A. Yes, sir.

668 Q. How much was that for?

A. There was one for $5,000 and one for $6,000.

669 Q. And were they secured by mortgage?

A. They were.

670 Q. When was the $5,000 note executed?

A. August 29th, 1883.

671 Q. And when was the $6,000 note executed?

1741 A. November 25th, 1885.

672 Q. Was there any other loans during the term of your agency made to Mr. Earl than those you have now testified about, and, to refresh your recollection, I will ask you if there was not one for $8,000?

A. There was a deed of land in some way given to Mr. Nash for $8,647.56.

673 Q. To secure a loan?

A. It was a deed; I can't explain it now.

674 Q. Mr. Nash didn't become the owner of the land, did he?

A. He had a deed for it.

675 Q. But he afterwards surrendered the deed, did he not?

A. I think he did.

676 Q. When was that eight thousand *off* dollars paid or loaned to Mr. Earl?

A. This deed was made August 27, 1883.

677 Q. When was the deed made back to Mr. Earl by Mr. Nash?

A. I don't know.

678 Q. It was subsequently surrendered, wasn't it?

A. I think so; I don't know.

679 Q. And the $8,000 was collected from Mr. Earl was it not and paid to you for Mr. Nash?

A. I have no recollection, Mr. Hanly, of the payment.

680 Q. You had charge of the business?

A. Yes, sir.

681 Q. Did Mr. Nash die claiming to own the real estate that was deeded to him?

A. Well, all I know about it is what I have here. This is August 27th, 1883, Adams Earl and wife, 440 acres of land in Benton county, Indiana, by deed settled by mortgage after transfer
1742 by deed May 24th, 1884, and Earl's check.

682 Q. Then the deed was made to secure the loan of $8,000 & over, wasn't it?

A. I don't know what the deed was made for, Mr. Hanly.

683 Q. And the deed was afterwarsd surrendered upon receipt of a check for the amount of the loan, was it not?

A. I only know what I have got here.

684 Q. Will you state to the reporter what your memoranda there shows concerning this deed transaction and all it shows; just read it?

A. "August 27th, 1883, Adams Earl and wife, 440 acres of land in Benton county, Indiana, by deed settled by mortgage after transfer by deed May 24, 1884 and A. Earl's check."

685 Q. You have no recollection about that other than what you get from the loan register?

A. No, I have not.

686 Q. You drew the mortgages, did you, that were taken by you during your agency to secure the loans made by you for Mr. Nash?

A. No, sir.

687 Q. Who did draw them?

A. Arthur Stuart.

688 Q. Did he draw them under your direction?

A. I ordered them drawn, yes, sir.

689 Q. And gave him the data from which to draw them?

A. Yes, sir.

690 Q. Was there not a loan made in 1882 to A. P. Perkins for $700?

A. I don't know.

691 Q. Was there a loan made in 1882 to Harry J. Horna-
1743 day for $600?

A. I don't remember, it was before my time.

692 Q. Was there a loan made in 1882 to Frank M. Curtis for $1100?

A. Now, I say, I don't know. These loans were made before I was in the office.

693 Q. Was there a loan or a note executed by A. P. Perkins for $700 turned over to you in 1882 when you took charge of the affairs?

A. I have no recollection. I don't remember of the Perkins note.

694 Q. Was there a note executed by Harry J. Hornaday for $600, turned over to you in 1882?

A. I kind of think it was but I don't remember it.

695 Q. Was there a note executed by Frank M. Curtis for $1100, ırned over to you in 1882?

A. I think there was.

396 Q. Was there a note executed by William H. Blizzard for $600 turned over to you in 1882?

A. No, sir.

697 Q. Did you ever have the Blizzard note?

A. I never did.

698 Q. Don't you know there was such a note outstanding in 1882, and it was secured by mortgage and the record so shown?

A. I know nothing about it only what I have seen on the record, on the paper you have.

699 Q. You never examined the record?

A. I know there was such a note, that he had such a mortgage from the record. I never had it in my hands.

700 Q. And was there not a note and mortgage executed
1744 by Abner Storms for $1100, turned over to you in 1882?

A. I think there was.

701 Q. And wasn't there a note executed by Louis Wright for $700 turned over to you in 1882?

A. Yes, sir.

702 Q. Wasn't there a note for $1,000 executed by John J. Peters and turned over to you in 1882?

A. Yes, sir.

703 Q. Wasn't there a note for $5,000 executed by William H. Springgate turned over to you in 1882?

A. I have no recollection of it.

704 Q. Don't you know there was such a note and mortgage at this time?

A. Only from the record.

705 Q. What record do you mean?

A. I mean the paper you have in your hands. There was such a note, yes, sir, I don't think I ever had it.

706 Q. Do you know who did have it?

A. I don't; my impression is it was collected before I went into the office, it might have been paid before I went in the office in 1882, that would be my judgment about it.

707 Q. Don't you know what time in 1882 it was paid?

A. No, I don't.

708 Q. You don't know it was paid in 1882, do you?

A. No, I don't.

709 —. Was there not a note $800 executed by Patrick Vaughn, turned over to you in 1882?

A. I think not.

710 —. Was there such a note?

A. I have heard of it.

1745 711 Q. Note and mortgage?

A. Yes, sir.

712 Q. What became of that, if you know?

A. I don't know.

713 Q. Was there a note executed by Josephine Pampel for $1800, turned over to you in 1882?

A. Yes, sir.

714 Q. Was there a note executed by James Givens for $2,641, turned over to you in 1882?

A. I have no recollection of such a note.

715 Q. Did you ever know of such a note?

A. I have no recollection now of it.

716 Q. Was there a note executed by Truxton Head for $800 turned over to you in 1882?

A. I think there was.

717 Q. Was there a note of L. F. Clark for $1,000 turned over to you in 1882?

A. I don't remember of it.

718 Q. Don't you know there was such a note and mortgage?

A. I don't know.

719 Q. Do you know there was not?

A. No, I don't know there was not.

720 Q. Was there a note executed by Joseph Beck for $1300, turned over to you in 1882?

A. There was a note of Joseph Beck, I don't remember the amount.

721 Q. Did you not have in 1883, on the first day of April a note for $1,000 executed by Emmeline McGinley in your possession?

A. No, sir.

722 Q. Did you ever have such a note?

A. I never did.

1746 723 Q. Do you know there was such a note executed to Mr. Nash secured by mortgage?

A. I don't.

724 Q. Do you know there was not?

A. I don't know.

725 Q. Did you have the Marks note for $1,000 in your hands on the first day of April, 1883?

A. Yes, sir.

726 Q. Did you have the George Munea note for $650 in your hands the first day of April, 1883?

A. I don't remember, Mr. Hanly, the name is foreign to me entirely. I have no recollection of it.

727 Q. Did you have in your hands on the first day of April, 1883, a note executed in favor of Mr. Nash for $600 and signed by Harry J. Hornaday?

A. I think there was.

728 Q. Did you have a note for $1100 in your hands on the first day of April, 1883, signed by Frank M. Curtis?

A. No.

729 Q. Do you know anything about the Frank M. Curtis note?
A. The note of Frank M. Curtis was for a larger amount than
it, and there were two payments on it, reducing the amount to
100, I think.
730 Q. Was that in your hands on the first day of April, 1883?
A. I am not positive.
731 Q. Is it your impression it was?
A. Well, I rather think it was.
732 Q. Was there a note in your hands on the first day of April,
83, for $1,000 executed by John J. Peters?
A. There was a Peters note. I don't remember about the
47 time I had it.
733 Q. Was the Josephine Pampel note for $1100 in your
nds on the first day of April, 1883?
A. I think so.
734 Q. Was the Joseph Beck note in your hands on the first day
April, 1883?
A. I can't tell that because I don't remember when it was paid.
735 Q. Was there a note of $2666.65 executed by Jacob Davis in
vor of Mr. Nash in your hands on the first day of April, 1883?
A. The note itself wasn't that amount. There was several notes
ken on a sale of land and one of them was paid each year. The
l amount, I think, you have correct.
736 Q. Were those notes in your hands on the first day of April,
83?
A. I couldn't say.
737 Q. Have you any data that you can refresh your memory
om?
A. I have not.
738 Q. Was there a note executed by A. and W. L. Airwood for
33 in your hands on the first day of April, 1883?
A. I think that is in the same condition as the other. There was
note or notes on Airwood on the sale of land, the same as there
s on Davis in which he agrees to pay one every year for seven
ars, I think.
739 Q. Those notes were in your hands on the first day of April,
83, were they not?
A. I think not.

48 The further taking of these depositions is adjourned at 4 o'clock, Friday, November 15th, 1901, until Monday morning, November 18th, 1901, at 10 o'clock.

LAFAYETTE, INDIANA,
Monday, November 18, 1901—10 o'clock a. m.

Parties met, present as heretofore and the further taking of these positions is postponed by agreement of the parties until Monday, ecember 2, 1901, at 1:30 o'clock p. m.

LAFAYETTE, INDIANA,
Monday, December 2, 1901—1:30 o'clock p. m.

Parties met, present as heretofore, and the further taking of these depositions is continued as follows:

JAMES BUCK, recalled and testified as follows:

Cross-examination by Mr. HANLY, counsel for plaintiff, continued:

740 Q. Mr. Buck, in your examination the other day, you stated that a few days before the first day of April for each of the years 1887, 1888, 1889, 1890, 1891, 1892 and 1893, and at the direction of Mr. Nash you enclosed certain Ohio notes in a package and sent them by express to Cincinnati, addressed either to Mr. Nash or to Mr. Goodman as the agent of Mr. Nash and that a few days after the first day of April you received for each of said years said notes returned to you in the original package as sent, I will ask you if you
1749 are now able to give a list of the notes so sent by you and so returned to you for each of said years?

A. Yes, as near as I can get at it.

741 Q. You have prepared a memoranda showing those; have you the memorandum with you?

A. I have a memorandum.

On motion of the plaintiff said memorandum is put and read in evidence as a part of the cross-examination of the witness, Buck, in the words and figures following to-wit:

List for 1887.

	F. Huntington	$5,000
	E. H. Huntington	5,000
	W. B. Burnett	3,000
	J. W. McDonald	5,000
	R. Hurd	3,000
	D. M. Hyman	3,500
	William Moening	2,000
	J. H. Dougless	6,500
	F. Huck	1,836
	G. W. Roth	3,750
	Jesse Busby	1,200
	E. W. Osper	5,000
	H. Krupp	2,000
	C. Schoefholf	3,750
	J. Schmaly	1,998
	A. R. Payne	872
	N. D. Allen	1,800
	F. J. Michell	3,000
1750	D. Fieldhaus	815
	Louis Cook	12,500

J. C. Wettencamp	1,387
N. E. Jordan	4,000
H. Seff	1,000
F. J. Mitchell	4,000
D. Grindle	1,776
J. C. Vallman	1,800
J. C. Huntington	30,000
E. M. Vogel	1,000
C. B. Mathews	19,620
James Moore	4,400
J. Hoefley	1,000
H. Krolage	8,000
J. J. Richards	1,000
J. G. Schrader	1,766
W. Wilder	5,000
L. Burkhard	9,000
Josephine Colvert	9,000
Isaac Errett	6,666
A. Seymour	2,000
D. B. Radcliff	3,800
W. A. Thompson	1,800
G. E. Moores	2,175
T. G. Vanosdel	1,100
Thomas Moran	4,800
M. J. Scanlon	5,000
H. W. Crawford	8,000
	$198,612

List for 1888.

	F. Huntington	5,000
	E. H. Huntington	5,000
1751	W. B. Burnett	3,000
	J. W. McDonald	5,000
	D. M. Hyman	3,500
	William Moening	2,000
	J. H. Douglass	6,500
	G. W. Ross	2,000
	E. W. Osper	5,000
	H. Krupp	1,000
	Charles Schoenhos	2,500
	J. Schmaly	1,332
	N. D. Allen	1,800
	D. Fieldhaus	1,633
	Louis Cook	12,500
	J. C. Wettencamp	803
	N. E. Jordan	4,000
	D. Grindle	888
	J. C. Ballman	900

	M. L. McLaughlin	3,500
	J. W. O'Connor	950
	J. C. Huntington	30,000
	C. B. Mathews	9,810
	James Moore	4,400
	Cincinnati St. Ry. Co	10,000
	A. B. Ashman	1,800
	H. Krolage	8,000
	J. D. Schroeder	1,766
	W. Wilder	5,000
	G. L. Sage	2,500
	W. Mendenhall	1,000
	L. B. Thomas	5,000
	L. Burkhardt	9,000
	F. J. Mitchell	3,000
1752	Josephine Calvert	9,000
	F. J. Darger	2,250
	J. F. Thornton	3,000
	H. N. West	5,500
	B. R. Chreider	700
	M. Foley	4,000
	W. H. Blymyer	15,000
	C. M. Steele	9,000
	A. Squire	3,000
	R. Peters	7,000
	D. B. Radcliff	1,900
	G. E. Moores	2,175
	T. C. Vanosdel	550
	Thomas Moran	4,800
	M. J. Scanlon	5,000
	H. W. Crawford	8,000
		$241,457

List of 1889.

	E. H. Huntington	$5,000
	W. B. Burnett	3,000
	D. M. Hyman	3,500
	G. W. Roth	2,000
	N. D. Allen	1,800
	Louis Cook	12,500
	N. E. Jordan	4,000
	M. L. McLaughlin	3,500
	J. C. Huntington	30,000
	James Moore	4,400
	Cincinnati St. Ry. Co	5,000
	A. B. Ashman	900
	W. Wilder	5,000
1753	W. Mendenhall	1,000
	L. B. Thomas	5,000

	J. Mitchell	3,000
	sephine Calvert	9,000
	J. Darger	2,250
	F. Thornton	3,000
	. M. West	5,500
	. Foley	4,000
	. H. Blymyer	15,000
	M. Steele	9,000
	acob Buff	8,500
	. Squire	2,400
	. Peters	7,000
	acob Buff	6,500
	homas Moran	4,800
	. J. Scanlon	5,000
	lora Levey	1,933
	. W. Crawford	8,000
	. Starbuck	4,500
	. H. Gordon	6,000
	. V. Holiday	3,750
	. J. Workman	1,166
	. D. Smith	5,000
	. Brower	8,614
	. Koester	3,500
	. M. Smith	10,000
	. B. Gibson	4,300
	. P. Bradstreet	4,000
	. W. Short	8,000
	. E. Hannaford	1,160
	. H. Gray	796
	G. L. Sage	3,000
1754	F. J. Mitchell	3,800
	F. J. Mitchell	5,000
	. W. Short	1,200
	Consolidated Coal & Iron Co	1,800
	Catherine Young	3,000
	Lizzie Charles	5,000
	J. W. McNeal	2,100
	F. J. Mitchell	11,800
	W. F. Handy	9,000
	A. Betts	5,000
	Powell Crosby	4,500
	G. N. Leighton	5,900
	J. H. Glennan	3,500
	C. W. Short	5,800
	J. W. Marcy	5,000
	C. W. Short	2,330
	F. J. Mitchell	1,500
		$221,599

List for 1890.

	E. H. Huntington	5,000
	W. B. Burnett	3,000
	Louis Cook	12,500
	M. L. McLaughlin	3,500
	W. Wilder	5,000
	L. B. Thomas	5,000
	F. J. Mitchell	3,000
	J. F. Thornton	2,000
	H. M. West	5,500
	M. Foley	4,000
	W. H. Blymyer	15,000
	C. M. Steele	9,000
	Jacob Buff	8,500
1755	A. Squire	1,800
	R. Peters	7,000
	Thomas Moran	4,800
	H. W. Crawford	8,000
	A. Starbuck	4,500
	R. H. Gordon	6,000
	G. V. Holiday	2,500
	A. D. Smith	5,000
	C. M. Smith	10,000
	E. P. Bradstreet	4,000
	L. B. Gibson	2,150
	C. W. Short	8,000
	E. E. Hannaford	580
	G. H. Gray	532
	F. J. Mitchell	3,800
	C. W. Short	1,200
	Consolidated Coal & Iron Co	1,800
	Catherine Young	3,000
	Lizzie Charles	5,000
	J. W. McNeal	2,100
	F. J. Mitchell	10,300
	W. F. Handy	9,000
	A. Betts	5,000
	J. H. Glennman	3,500
	C. W. Short	9,000
	J. W. Marcey	5,000
	M. Keyt	7,800
	C. W. Short	2,330
	C. W. Cass	5,500
	F. J. Mitchell	1,500
	H. E. Nottingham	2,166
	H. Denear	2,666
1756	J. Bienbaum	500
	Thomas F. Gray	10,000

G. N. Leighton	3,000
F. H. Klayer	8,500
H. Mulhouser	10,000
John Ludlow	4,000
Jane Williams	6,000
J. M. Lean	4,000
A. C. Stobel	5,000
S. A. McNeal	6,000
	$282,524

List for 1891.

	W. B. Burnett	3,000
	Louis Cook	12,500
	M. L. McLaughlin	3,500
	W. Wilder	5,000
	J F. Thornton	2,000
	H. N. West	5,500
	H. W. Blymyer	15,000
	C. M. Steele	9,000
	A. Squire	1,200
	R. Peters	7,000
	Thomas Moran	4,800
	A. Starbuck	4,500
	R. H. Gordon	3,000
	George B. Holiday	1,250
	A. B. Smith	5,000
	M. Ryan	2,500
	C. M. Smith	10,000
	E. P. Bradstreet	4,000
	C. W. Short	8,000
1757	G. H. Gray	266
	Fuch & Eckman	3,800
	A. Starbuck	1,500
	C. W. Short	1,200
	Catherine Young	3,000
	Lizzie Charles	5,000
	J. W. McNeal	2,100
	W. F. Handy	9,000
	A. Betts	5,000
	George N. Leighton	3,000
	C. W. Short	9,000
	C. W. Short	2,330
	C. W. Case	5,500
	H. E. Nottingham	2,166
	H. D. Mar	5,332
	J. Bienbaum	500
	Thomas F. Gray	10,000
	George N. Leighton	3,000

	H. Muhlhauser	10,000
	John Ludlow	4,000
	Jane Williams	6,000
	J. M. Lean	4,000
	A. C. Stobel	5,000
	G. W. Stork	5,000
	H. D. Mar	8,500
	H. Huntington	8,000
	C. L. Rankin	1,500
	S. A. McNeal	6,000
	E. Ballman	800
	E. B. Beresford	1,500
	E. L. White	1,000
	C. W. Short	5,000
1758	F. Huntington	3,000
	John Hawks	4,000
	J. F. Graff	3,500
	F. Huntington	5,000
	M. H. Keyt	12,000
	F. Huntington	10,000
	Underwood	400
	E. A. Kinsley	10,000
	Anna Hall	3,500
	C. E. Brockman	2,500
	A. W. Bennewitz	4,000
	S. M. Coffin	5,300
	W. G. Conover	4,000
		$311,944

List for 1892.

	W. B. Burnett	3,000
	Louis Cook	12,500
	M. L. McLaughlin	3,500
	W. Wilder	5,000
	J. F. Thornton	2,000
	H. N. West	5,500
	W. H. Blymyer	15,000
	C. M. Steele	9,000
	A. Squires	600
	R. Peters	7,000
	E. Miller	5,000
	Thomas Moran	4,800
	W. A. Thompson	5,000
	A. Starbuck	4,500
	M. Ryan	1,250
	E. P. Bradstreet	4,000
1759	A. Starbuck	1,500
	C. W. Short	1,200

	Catherine Young	3,000
	Lizzie Charles	5,000
	J. W. McNeal	2,100
	W. F. Handy	6,000
	A. Betts	5,000
	Paul Crosby	4,000
	E. B. Bradstreet	1,400
	C. W. Short	5,800
	C. W. Short	2,333
	C. W. Case	5,500
	H. E. Nottingham	2,166
	J. Bienbaum	500
	Thomas F. Gray	10,000
	George N. Leighton	3,000
	W. C. Peale	4,000
	H. Muhlhauser	10,000
	John Ludlow	4,000
	Jane Williams	6,000
	A. C. Stobel	5,000
	G. W. Stork	5,000
	F. Huntington	8,000
	C. L. Rankin	1,500
	F. A. McNeal	6,000
	E. B. Beresford	1,500
	F. Huntington	3,000
	John Hawks	4,000
	F. Huntington	5,000
	F. Huntington	5,000
	F. Huntington	5,000
	Underwood	200
1760	E. A. Kinsley	10,000
	Anna Hall	3,500
	C. E. Brockman	2,500
	E. A. Smith	8,000
	A. W. Bennewitz	4,000
	J. G. Cameron	8,000
	F. M. Coffin	5,300
	U. S. Bung Company	8,000
	T. C. Campbell	4,000
	R. J. Beresford	2,500
	A. M. Puler	6,500
	C. W. Short	5,940
	H. Fuch	2,800
	C. Adler	800
	O. M. Vogal	2,000
	H. Fuch	1,200
	A. Starbuck	2,000
	C. W. Short	3,220
	O. Evans	1,250

G. W. Conover	10,00
C. W. Short	15,00
H. Fuchs	1,00
Powell Crosby	7,00
F. Fromlet	2,00
D. W. Huntington	8,00
E. B. Rankin	2,00
Powell Crosby	5,00
J. D. Cole	3,00
C. W. Short	6,22
Powell Crosby	6,06
J. F. Billing	3,50
	$369,63

1761 List for 1893.

Louis Cook	$12,50
C. M. Steele	9,00
R. Peters	7,00
E. Miller	5,00
Thomas Moran	4,80
W. A. Thompson	5,00
A. Starbuck	4,50
A. Starbuck	1,50
Lizzie Charles	5,00
J. W. McNeal	2,10
W. F. Handy	6,00
A. Betts	5,00
Paul Crosby	4,00
E. P. Bradstreet	1,40
J. Bienbaum	50
Thomas F. Gray	10,00
G. N. Leighton	3,00
W. C. Peale	4,00
H. Muhlhauser	10,00
John Ludlow	4,00
Jane Williams	6,00
A. C. Stobel	5,00
G. W. Stock	5,00
F. Huntington	8,00
C. L. Rankin	1,50
S. A. McNeal	6,00
E. B. Beresford	1,50
F. Huntington	3,00
John Hawks,	4,00
F. Huntington	15,00
E. A. Kinsley	10,00
1762 Anna Hall	3,50
C. E. Brockman	2,50

E. A. Smith		8,000
A. W. Bennewitz		4,000
S. M. Coffin		5,300
U. S. Bung Co.		5,000
T. C. Campbell		4,000
R. J. Beresford		2,500
C. Adler		800
E. M. Vogal		2,000
A. Starbuck		2,000
O. Evans		1,250
Paul Crosby		4,000
F. Fromlet		1,000
D. W. Huntington		4,000
A. B. Parker		2,000
Paul Crosby		5,000
J. D. Cole		3,000
J. L. Keck		2,000
L. J. Crawford		3,000
W. Neff		2,000
Paul Crosby		6,060
F. J. Billings		3,500
W. S. Ludlow		10,000
G. N. Leighton		3,500
F. D. Maxwell		6,000
J. E. Jones		3,500
Paul Crosby		7,548
P. G. Thompson		12,000
J. Cox		2,500
Sisters of the Poor		3,000
H. Larkins		4,000
1763 G. N. Leighton		5,250
E. Bramkamp		850
Paul Crosby		10,000
		$309,858

742 Q. Mr. Buck, about the time this suit was begun or a short time prior thereto, were you not ordered to return the securities in your hands belonging to your trust to Cincinnati?

A. There was such an order but I don't remember the time.

743 Q. It was prior to the demand made by the treasurer in this matter, wasn't it?

A. I don't remember that.

744 Q. The order was made by the Cincinnati probate court?

A. Yes, sir.

It is agreed that neither Henry Miller or William Baugh, the plaintiff, the first of which was treasurer when the suit was commenced, and the other is now the treasurer of the county, knew the

particular items constituting the trust property in the hands of Mr. Buck at the time of the commencement of the action.

745 Q. I will ask you Mr. Buck, what if any other personal property there was in this State belonging to Mr. Nash's estate, or
1764 that had belonged to his estate other than the notes included in your trust at the time this suit was brought?

A. I know of no personal property belonging to the estate at that time.

746 Q. Other than your trust property?

A. Yes, sir.

By Judge LANGDON, councel for defendant:

747 Q. You speak of Mr. Nash having a safety box in Cincinnati, do you know how long he had such a box?

A. I don't know.

748 Q. Did Mr. Nash ever request you, or suggest to you, or speak to you about getting an act of the legislature passed by the State of Indiana for the purpose of allowing an executor of a will to serve without giving bonds.

A. No, sir, Mr. Nash and I never talked upon that subject until after a bill that I had presented to the legislature was defeated.

749 Q. How did you come to be interested in that matter, or to have a bill of that sort drafted?

A. Mr. Nash had informed me that I was one of his executors and one of his trustees and I was trying to avoid the bond.

750 Q. A bond for what?

A. A bond that his executors and trustees would have to give provided that his will was probated and Mr. Nash was under the impression that his will could be probated anywhere where he owned property.

751 Q. Well, if there was any other motive or interest of any one else that you know of inducing you to get that bill drawn than for the purpose as you have named saving yourself the re-
1765 sponsibility of giving bond as executor in case you survived him, you may state it?

Objected to by the plaintiff on the ground it calls for a conclusion.

A. Well, there was, yes, Mr. John Coffroth and I talked this matter over and consulted together with reference to this bill.

752 Q. Was there any one else you talked to?

A. No, sir.

753 Q. Had Mr. Nash talked to him that you know of?

A. Not that ever I knew of.

754 Q. You say when you told him on a visit when he was out here and after the bill had failed to pass he was angry; was he angry before you told him that or afterward?

A. Well, the old man was angry that morning, I think, on general principles.

755 Q. That was before you told him this, or not?

A. Yes, he was very much out of humor that morning.

756 Q. How was Mr. Nash with respect to being excitable or becoming angry?

A. He was a very excitable man, very nervous, easily touched, got angry very quick.

757 Q. How was he with respect to being quiet or placid?

A. Very seldom that I saw him quiet.

758 Q. When he was not angry or excited, but in good humor, how was he?

A. Nervous, a very nervous man.

759 Q. How was he with respect to being reticent or talkative?

A. Very talkative.

760 Q. At what times?

1766 A. Any time he could find anybody to talk with.

761 Q. What was his manner when he was talking under excitement or angry?

A. Well, he was boisterous and moving his hands to demonstrate what he was saying; I don't know how else to explain it.

762 Q. How was he with respect to speaking with moderation or even terms, or with exaggeration or anything in that respect?

A. Mr. Nash was a man when he was excited he exaggerated.

763 Q. Explain that further if you can?

A. I mean this, when he became excited he would exaggerate to carry his point.

764 Q. How was he with respect to keeping himself within the known facts of the case he was talking about?

A. He did not do that always either.

765 Q. In calling your attention now to the language you spoke of, and when he was excited, and after you told him the bill had failed, in substance, he wouldn't live in the State, but would move out, do you pretend to say you gave his exact language upon that occasion?

A. Oh, no.

766 Q. You are giving what you understood?

A. Giving what my memory serves me as being what he said.

767 Q. The substance of it or not?

A. Yes, the substance of it.

768 Q. At that time you say he was very excited?

A. Yes, he was very much excited.

769 Q. What was his manner when he was talking under

1767 excitement, as to talking with rapidity, talking fast?

A. He talked very fast, would repeat very often.

770 Q. Giving only the substance of what you recollect and of the conversation in respect I have just now spoken of, you say he didn't say, or in substance say, if I lived in the State I would move out of

it, or I would not live in such a damned State, or something to that effect?

Objected to by the plaintiff on the ground the question is leading and suggestive and upon the further ground that the witness has already stated his recollection of the conversation.

A. I don't remember.

771 Q. Having been conscious of your memory of that circumstance such as it is, will you state he didn't say or put any condition in that excitement or rapid talk?

A. No, there was not.

772 Q. That if I lived in the State of Indiana I would move out, you say he did not say that?

A. No.

773 Q. Did you understand, if he said at that time that he was going to move out or leave the State of Indiana, or would not live in it, what is your recollection of your understanding what he said in that respect at that time?

Objected to by plaintiff.

A. I have tried to give his words as near as I could remember them. He said as near as I can remember, I won't or wouldn't live in such a damned State. I don't pretend to give exactly
1768 the words he used, but I am trying to give the substance of it as near as I can remember.

774 Q. Did he live here then? Have a residence in Indiana?

A. No, sir.

775 Q. What did you understand then from that whole conversation that he intended to convey to you in that respect?

Objected to by the plaintiff on the ground the witness has already stated what was said.

(Question not pressed.)

776 Q. According to your recollection now, what was your understanding then from what he said to you, what did you understand it to mean at that time?

Objected to by the plaintiff on the ground, the question calls for an understanding or conclusion of the witness, the witness having already stated what he said.

A. Well, it would be very difficult for me to come to any conclusion as to what he did mean or what I could understand from the fact that I knew he was not a resident of the State, what he meant by saying he would move his residence, I don't understand.

777 Q. Now, you may state, whether or not, in your recollection of what you understood at that time about the matter whether he was exaggerating in the manner you have spoken of heretofore in your presence?

Objected to by the plaintiff on the ground that it calls for
1769 a conclusion of the witness.

A. Mr. Nash at the time was very angry and nervous and excited. He had come into the office angry that morning.

778 Q. You may state whether or not in that conversation he was exaggerating the facts or any facts that you know of?

Objected to by the plaintiff on the g-ound that the question calls for a conclusion.

A. Why, he was exaggerating undoubtedly with reference to moving his residence because he had no residence here to move.

779 Q. You spoke in your cross-examination of Mr. McCormick having turned over to you some property just before Mr. Nash came out here and you became his general agent, calling your attention to that circumstance, you may state now exactly how it was and what Mr. McCormick transferred, if he transferred anything to you at that time, or turned — any property to you?

A. Well, I don't recall. Of course I called it turning over the property, I don't know how I can explain this matter any better than by stating just exactly what was done.

780 Q. Tell it?

A. Mr. McCormick turned over to me the keys to the office. He gave me the combination to the vault. He gave me the combination to the large safe inside of the vault, that is what I mean by turning over whatever was inside of the vault or inside of this safe, I felt was turned over to my care.

1770 781 Q. What paper, if any, did he take out and turn over to you?

A. None.

782 Q. Or any specific property?

A. Not any. I had no authority to touch a paper until Mr. Nash came.

783 Q. Did you examine or look at any paper until after he came out as you have stated?

A. No, sir.

784 Q. What did Mr. McCormick do at that time in respect to showing you anything about the safe, the burglar proof safe you speak of, you may state if he did anything?

A. He had no combination to the little burglar proof safe, he did nothing with reference to that matter.

785 Q. How many mortgage notes were made by the person named Kumler to Nash?

A. One.

It is agreed that the Anna G. Kumler mortgage and A. L. Kumler mortgage are one and the same.

786 Q. When did Nash give you authority to make loans of his money, if he did?

A. Sometime in 1887, I don't remember the month.

787 Q. If you received any of the Ohio notes belonging to Mr. Nash or mortgages from any other person than Mr. Goodman and from Cincinnati, Ohio, you may state it?

A. I never did.

788 Q. With reference to the Ohio notes being sent in the
1771 years 1887, 1888, 1889, 1890, 1891, 1892 and 1893 to Cincinnati, you say they were returned to you a few days or weeks after you sent them down there?

A. Yes, sir.

789 Q. A few days, or two or three days after the first of April?

A. Yes, sir.

790 Q. How were they returned to you, how did you get them?

A. By express.

791 Q. Addressed to you?

A. They were addressed to me.

792 Q. You may state as to the fact of there being in the same envelope in which you enclosed them when you sent them down to Cincinnati, whether they came back in the same envelope?

A. Yes, they would be in the same envelope but there would have to be another envelope over there.

793 Q. You say you gave data to Mr. Arthur Stuart for drawing the mortgages that were made to Nash during the time you were his general agent?

A. Yes, sir.

794 Q. What, if any, directions did you give him with reference to stating the place of residence of Mr. Nash?

A. I never gave him any.

795 Q. Who besides you gave him any directions to draw those papers?

A. No one.

796 Q. Since the constitution of this trust and your becoming one of its trustees you have had on hand in Lafayette from a few
1772 dollars to five thousand dollars or more in cash and securities or notes of that trust from time to time that you removed the property to Indiana as you have spoken of up to this time?

A. Yes, sir.

797 Q. The cash of the trust you kept here in the city of Lafayette; any cash that belonged to the trust you kept in Lafayette?

A. Certainly, yes, sir.

By Mr. HANLY:

798 Q. And the cash mentioned as your having on hand since the constitution of this trust belonged to the trust, did it?

A. Yes, sir.

By Judge LANGDON:

799 Q. You say that the Ohio notes and mortgages securing them that were sent to you first came to you in the latter part of 1883 or the fore part of 1884, is that right?

A. Yes, sir.

800 Q. And that for the years 1884, 1885 and 1886, you made no returns for taxes on account of Mr. Nash?

A. That is right.

801 Q. Have you and can you make a statement of the Ohio notes and mortgages securing them that you had in Lafayette on the first day of April 1884, 1885 and 1886?

A. Not from memory, I cannot.

802 Q. Have you made a statement of those notes?

A. I have.

1773 803 Q. Look at that paper (handing witness paper)?

A. This is a statement I made.

804 Q. What is it about?

A. It shows the Ohio notes and mortgages that I had in my possession on the first day of April of the years 1884, 1885 and 1886, as near as I can get them.

805 Q. Is that all of them?

A. Yes, sir.

806 Q. Does that give the amount of the notes?

A. It does.

On motion of the defendant said memorandum is put in evidence in the words and figures following, to wit:

	1884.	1885.	1886.
F. Huntington	.....	.....	$5,000
E. H. Huntington	.....	.....	5,000
W. B. Burnett	.....	.....	3,000
Thomas L. Young	.....	.....	4,000
J. W. McDonald	.....	.....	5,000
D. M. Hyman	.....	.....	3,500
W. B. Blymyer	$6,166.66		
B. G. Stall	5,781.21		
Do.	5,781.21	$5,781.21	
Frank Hucke	.....	.....	3,673.33
Mary Lawrence	2,500		
F. J. Mitchell	.....	.....	3,000
G. S. Horner	12,000		
Louis Cook	.....	5,000	
" "	.....	.....	12,500
T. W. Handy	.....	.....	2,000
1774	1884.	1885.	1886.
Mary Bryant	.....	.....	$3,000
John Kolbe	.....	1,200	
H. Sess	.....	.....	2,000
J. F. Mitchell	.....	.....	4,000
	$32,229.08	$11,981.21	$55,673.33

	1884.	1885.	1886.
Ellen Freeman		$1,600	$800
E. E. Gorst		1,000	500
F. B. Plimpton		1,484	742
J. C. Huntington		30,000	30,000
G. H. Rover		4,666	2,333
James Moore		4,400	4,400
Louisa Shaw		7,000	3,500
J. C. Brooke		13,000	
J. M. Watters		4,000	
Jacob Hofley		2,000	2,000
Warren Wilder		5,000	
Josephine Colvert		9,000	9,000
I. Errett			10,000
R. Andrews			6,000
F. A. Johnson			937
A. Seymour			4,000
		$86,150	$74,212
	$32,229	11,981	55,673
	$32,229	$98,131	$129,885

The WITNESS: There is a matter that I want to correct. It is an answer that Mr. Reser has not got down as I said or as I mean to say it. In the question put by Mr. Hanly with reference to
1775 this bill that I sent to the legislature.

807 Q. What is it?

A. Well, the answer is as he has got it, I answered "Yes" and I should have answered "No." The question is from Mr. Hanly as to whether Mr. Nash was cognizant of or knew I was getting this bill up. The stenographer has my answer "Yes" when I mean "No." I said "No" emphatically, because he never knew of it until it was over.

By Mr. HANLY:

808 Q. No return of the Ohio mortgages has ever been made for the purpose of taxation in this State, has it?

A. Not that I ever knew of.

809 Q. Nor of the Ohio notes?

A. No, sir.

810 Q. And no taxes have ever been paid in the State of Indiana on the Ohio notes and mortgages?

A. Never that I know of.

811 Q. When was it that Mr. McCormick turned the key of the office over to you and gave you the combination of the vault and the safe, what year?

A. 1882.

812 Q. Did any one else act as Mr. Nash's agent from 1882 in this State up to the time of his death other than yourself?

A. No, sir.

813 Q. Then any loans made here between 1882 and 1887 for Mr. Nash were paid by you?

A. Yes, in a way. I had no authority to make loans and
1776 if a man came to me to borrow money I wrote to Mr. Nash.

814 Q. And he authorized the loan?

A. Yes, he authorized the loan and then I would make it.

815 Q. After 1887 you made it on your own responsibility?

A. Yes, sir.

By Judge LANGDON, counsel for defendants:

816 Q. After 1887 you made loans on your own responsibility you say?

A. Yes, sir.

817 Q. If you had had any previous authority for that purpose from Mr. Nash you may state what it was and when you got it?

A. Previous to 1887.

818 Q. You say from 1887 forward you had authority?

A. Yes, sir.

819 Q. Where did you get that authority. If you got it especially from him, you may state the circumstances?

A. Well I got it one day from him riding through the country in a buggy. I was in conversation with him, and we were talking about the interest on money. He was loaning a good deal of money at Cincinnati at the time,—Mr. Goodman was, at six per cent.,—and I said to him I had a number of good loans offered to me at seven, and I thought it was not good business to loan money down there at six when he could get seven for it here, and get just as good security. And I talked with him in that strain until he told
1777 me that I could loan what money I could put out safely at seven per cent.

820 Q. Before that time what was he doing here in the way of loaning money?

A. Nothing.

By Mr. HANLY:

821 Q. You don't mean to say Mr. Nash or any one loaned for him any money in this State from 1882 to 1887?

A. I mean to say he was not engaged really or had no one engaged in loaning money, but of course, as I said before, there were a few loans made but they were made in the manner I have stated.

And further deponent saith not.

JACOB F. MARKS, re-called by the defendants and testified as follows:

Direct examination by Judge LANGDON, counsel for defendants:

1 Q. Your name, please?
A. Jacob F. Marks.
2 Q. You are the same Jacob F. Marks who heretofore testified in this case?
A. Yes, sir.
3 Q. You are familiar with bookkeeping?
A. Somewhat, yes, sir.
4 Q. Familiar with the county records and city records of the treasurer's office?
A. Yes, sir.
5 Q. State whether you have made an examination of the books, papers and records in the treasurer's office in the city of La-
1778 fayette, in respect to the property that belonged to Job M. Nash and the assessment and payment of taxes on the same?
A. I have.
6 Q. For what years?
A. From 1872 on down until 1900.
7 Q. And you examined the real estate during each of those years taxed to him in the city of Lafayette?
A. Yes, sir.
8 Q. You may state whether or not the taxes assessed against it were paid?
A. They were.
9 Q. Did you examine whether or not there was any personal property upon the tax duplicate of the city belonging to Mr. Nash?
A. Yes, sir.
10 Q. You may state whether or not the taxes assessed upon the property or that was put on there except that was put on as omitted property in June, 1895, have been paid?
A. Yes, sir.

By Mr. HANLY, counsel for plaintiff:

11 Q. When did you make this examination?
A. Something over two weeks ago.
12 Q. You don't know that since then there has been personal property put on?
A. No, sir. I don't know that there has any been put on since then.

The further taking of these depositions is here adjourned
1779 at 3 o'clock Monday, December 2, 1901, until Tuesday morning, December 3, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Monday, December 3, 1901—10 o'clock a. m.

Parties met, present as heretofore, and the further taking of these depositions is postponed by agreement of the parties until Thursday, December 5, 1901.

LAFAYETTE, IND., Thursday, December 5, 1901.

Parties met pursuant to adjournment, present as heretofore. The following agreement is made a part of this record. The following agreement is put in evidence as follows, to-wit:

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, Term 1901.

BAUGH, Treasurer of Tippecanoe County, Indiana, Plaintiff, }
vs. }
JAMES BUCK, Trustee, Defendant. }

It is agreed by and between the said plaintiff and defendant, and as a part of the evidence in the above entitled action that:

(1.) All the real estate of Job M. Nash, or of his estate, in the State of Indiana, prior to and including the year of 1894, was duly assessed for taxes, and all taxes thereon, State, county, township, town and city of Lafayette taxes have been paid.

1780 (2.) That all chattels or personal property of Job M. Nash, or of his estate prior to and including the year 1894, in the State of Indiana, was entered and assessed for taxes on the respective tax duplicates of Tippecanoe county, and of the city of Lafayette, but no note made payable outside of Indiana, and no mortgage on lands outside of Indiana are included in this agreement.

(3.) That all the said taxes and charges on all said chattels or personal property assessed and entered on the tax duplicates of said Tippecanoe county and the said tax duplicate of said city of Lafayette, have been paid in full, except and saving only:—

1. Fourteen hundred and thirty-six & 10/100 dollars ($1,436.10), being the full amount of all taxes, penalties and charges assessed on certain mentioned promissory notes and mortgages securing them which notes and mortgages were included in and covered by the assessment made and entered on the tax duplicate of Tippecanoe county, by George A. Jamison, as auditor of said county, on the 7th day of May, 1895 and which said certain mentioned notes, and the mortgages securing them, were executed by the following named persons and were the taxes and penalties, and rate thereof for each of said years, 1881, 1882, 1883, 1884, 1885, 1886 and 1893, and assessments thereof were as follows:—

			Assessment.	Rate.	Tax.	Penalty 10%	Penalty 6%	Total tax.
1881.								
Item	29	Kumler, A. L...	$1,000					
"	30	Todd, M. J	600					
			$1,600	105	16.80	1.68	1.00	$19.48
1781								
1882.								
Item	27	Kumler, A. L...	$1,000					
"	28	Bartley, J	700					
"	29	Todd, M. J	600					
			$2,300	105	24.15	2.42	1.45	28.02
1883.								
Item	27	Kumler, A. L...	$1,000					
"	28	Bartley, J	700					
"	29	Todd, M. J	600					
"	30	Crider, M	600					
			$2,900	121	35.09	3.51	2.10	40.70
1884.								
Item	30	Kumler, A. L...	$1,000					
"	31	McCone	1,500					
"	32	Bartley, J.....	700					
"	33	Todd, M. J	600					
"	34	Crider, M.....	600					
"	35	Lammers, H.....	1,350					
"	36	Earl, A.....	5,000					
			$10,750	119	127.92	12.79	7.67	148.39
1885.								
Item	29	Kumler, A. L...	$1,000					
"	30	Borum, N. O	1,500					
"	31	Todd, M. J	600					
"	32	Crider, M.....	600					
"	33	Lammers, H.....	1,250					
"	34	Earl, A.....	5,000					
			$10,050	108	108.54	10.85	6.51	125.90

1782

			Assessment.	Rate.	Tax.	Penalty 10%.	Penalty 6%.	Total tax.
1886.								
Item	34	Kumler, A. L...	$1,000					
"	35	Shelby, J. B.....	4,000					
"	36	Borum, N. O.....	1,500					
"	37	Todd, M. J.....	600					
"	38	Crider M.....	600					
"	39	Lammers H.....	1,350					
"	40	Earl, A.....	5,000					
"	41	Earl, A.....	6,000					
"	42	Fowler, M.....	27,000					
			47,050	108	568.14	50.81	30.49	589.44
1893.								
Item	87	Smith, O. H.....	2,500					
"	88	Shonkwilder. ...	2,500					
"	89	Shsckelton.....	1,500					
"	90	Pierce, M.....	1,800					
"	96	Fisher, L.....	4,000					
"	97	Shirk	11,000					
"	98	Cassidy.....	1,500					
"	99	Harkrider.....	2,000					
"	101	Flaugher.....	1,500					
"	105	Fullerton.....	2,000					
			$21,400	195	417.30	41.73	25.03	484.06

Total, $1,435.99.

That said sum of $1,436.10 being the amount of said assessment and penalty, was tendered in good and lawful money of the United States by said defendant, on the 21st, day of October, 1897, to the treasurer of Tippecanoe county, at his office, in office hours who refused said tender, and afterwards, on the 22nd, day of Oc-
1783 tober, 1897, said defendant produced and paid into Warren circuit court in the above entitled action, said $1,436.10 as a tender in payment of all of said taxes, and as alleged in the defendant's answer and counter-claim in the above entitled action:

2. The sum of thirteen hundred and thirty-four ($1334.) dollars which is the amount of all the taxes and penalties, and charges, assessed and entered by the clerk of the city of Lafayette, on the tax duplicate of the city of Lafayette, on the 13th day of June, 1895, for the years 1881, 1882, 1883, 1884, 1885, 1886 and 1893, on the identical notes and mortgages securing them last above specified, and which were assessed by said Jamison as auditor, on the 7th day of May, 1895; and the said clerk of said city, in making the said assessment, values said notes and the mortgages securing them respectively, at and for the identical values at which they were

assessed by said auditor; the said sum of $1334.00, on the 7th day of December, 1897, was tendered to the treasurer of the city of Lafayette, during office hours, in his office, by said defendant, as one of the trustees of said trust, and the said will of Job M. Nash, deceased, in full payment of said taxes and penalties on said notes, and mortgages securing them, which had been executed and made payable in the State of Indiana, and the said treasurer of the said city refused said tender, and afterwards, on the 16th day of December, 1897, and before the filing of the complaint of James Buck and William A. Goodman, trustees under the will of Job M. Nash, deceased, against James H. Mitchell, treasurer of the city of Lafayette, Indiana, on the 16th day of December, 1897, in the superior court of Tippecanoe county, the said James Buck, as one of said trustees and one of the plaintiffs in said last mentioned action, pro-
1784 duced and paid into the said superior court, in said last named action, said sum of $1334.00, as a tender in payment of said taxes and penalties, and as alleged in said complaint, in said last mentioned action.

3. The sum of fifteen hundred and two dollars and twenty-two cents ($1502.22), being the full sum of all taxes and charges assessed on certain notes and mortgages securing them, and having been executed to said Job M. Nash, and payable in the State of Indiana, which said last mentioned notes and mortgages were respectively made by the following named persons, and respectively assessed as valued, for the years 1881, 1882, 1883, 1884, 1885 and 1886, as follows:

	1881.	1882.	1883.	1884.	1885.	1886.
W. Wall	1400					
Thos. Carley	1000					
L. H. Scott	822					
A. Marx	1000	1000	1000	1000	1000	1000
Thos. Carley	1000					
Benneowitz	1000					
George Munea	650	650	650			
H. Wagner	500					
M. & J. Egan	1000					
J. T. Martin	600					
W. Hammond	1000					
A. P. Perkins	700	700				
H. J. Hornaday	600	600	600			
F. M. Curtis	1100	1100	1100	1100	1100	
W. H. Blizzard	600	600				
A. Storms	1100	1100				
G. F. Hadley	2000					
L. Wright	700	700				
E. H. Andress	5000	5000	5000	5000	5000	5000
W. H. Harter	1150					
J. J. Peters	1000	1000	1000			
M. A. Waldron	2000					
Springgate	5000	5000				
A. Bryan	1000					
P. Vaughn	800	800	800			
James Ennis	3483	3483	3483	3483	3483	3483
Pampall	1800	1800	1800	1800	1800	1800
T. A. Head	800	800				

J. Beck	....	1300	1300			
J. Davis	....	.....	2666	2285	1904	1523
Airhood	....	.....	933	800	667	
W. Z. Martin	500					
Gertrude Herbert	650					
Alkire	700	700				
James Mitchell	2467	1567	1302	913		
	$43122	$27900	$21634	$16381	$14954	$12806

1785 And said auditor, on the 29th day of November, 1901, entered and assessed said last above mentioned notes and mortgages, securing the same, for each of said years, on said tax duplicates of said county of Tippecanoe, in the words and figures as follows:

Assessed by Auditor— Owner's name.	Tax Duplicate of City of Lafayette. Year.	Rate.	Chattels.	Total tax.
James Buck, tr. Job M. Nash est	1881	1.05	$43120.00	$452.76
" " "	1882	1.05	27900.00	292.95
" " "	1883	1.21	21635.00	261.78
" " "	1884	1.19	16380.00	194.92
" " "	1885	1.08	14955.00	161.51
" " "	1886	1.08	12805.00	138.29

4. The sum of fifteen hundred and sixty-five dollars and fifty-eight cents ($1565.58,) being the full amount of all the taxes and charges assessed by the clerk of the city of Lafayette, on the 29th day of November, 1901, for the years 1881, 1882, 1883, 1884, 1885 and 1886, on the identical notes and mortgages securing them, which were assessed by the said auditor of Tippecanoe county, on the 29th day of November, 1901, and the said clerk in making said assessment, valued respectively each of said notes and mortgages securing them, at and for the same value as did said auditor in said assessment thereof, and made as aforesaid, on the 29th day of November, 1901, and the said clerk entered on the tax duplicate of the city of Lafayette, said notes and mortgages securing them, and the said assessments and taxes thereon are in the words and figures:—

1786 Chattel Tax Duplicate.

Omitted property; information, W. R. Wood. Entered on the tax duplicate November 29, 1901.

Names.	Year.	Rate.	Value personal property.	Total tax.
Job M. Nash	1881	.85	$43122.00	$366.54
	1882	1.28	27900.00	357.12
	1883	1.28	21634.00	276.91
	1884	1.28	16381.00	209.68
	1885	1.28	14954.00	191.41
	1886	1.28	12806.00	163.92

It is agreed that the foregoing matters do not include or cover any note of said Nash which was made, or was payable outside the State of Indiana, nor any mortgage on them outside of Indiana.

It is further agreed that heretofore, on the 13th day of June, 1895, the clerk of the city of Lafayette, assessed and placed on the tax duplicate of said city, for each of the years 1881 to 1893, both inclusive, the indentical notes, mortgages, bonds and stocks, of Job M. Nash, which was assessed and placed on the tax duplicate of Tippecanoe county, May 7th, 1895, by said Auditor Jamison, and said clerk valued each of said notes and mortgages securing them, and each of said bonds and stocks so assessed, and placed on said duplicate of the city of Lafayette, at and of the same value and values given to them, and each of them, by said auditor in making his assessment thereof, and that said clerk entered the value of said property and assessment of taxes on said tax duplicate of the city of Lafayette, for each of the years 1881, to 1893, both inclusive, in the words and figures following:

1787

	Year.	Levy on $100.	Value of personal property.	Total.	Total tax.
Job M. Nash.....	1881	.85	$388190.00	$388190.00	$3299.61
	1882	1.28	430940.00	430940.00	5516.03
	1883	1.28	445979.05	445979.00	5708.53
	1884	1.28	474981.45	474981.45	6079.75
	1885	1.28	493311.55	493311.55	6314.38
	1886	1.28	559431.55	559431.55	6160.71
	1887	1.28	574041.55	574041.55	7347.72
	1888	1.28	597041.55	597041.55	7642.12
	1889	1.28	621971.55	621971.55	7961.23
	1890	1.28	651904.85	651904.85	8344.37
	1891	1.28	831205.35	831205.35	8312.05
	1892	1.	671714.85	671714.85	6717.15
	1893	1.	700791.55	700791.55	7007.92
					$87411.57

It is further agreed that no return was ever made by Job M. Nash nor by any person for him for the purpose of taxation, in the State of Indiana, of any of the Ohio notes, elsewhere mentioned in this record, and that no taxes have been paid in the State of Indiana on said Ohio notes, and it is further agreed that there never was any such note or notes, mortgage or mortgages, in the State of Indiana, prior to the winter of 1883 and 1884.

B. W. LANGDON,
Att'y for Buck, Trustee.
HANLY & WOOD,
Att'ys for Plaintiff.

1788 It is agreed that the property of the trust created by the will of Job. M. Nash, of which the defendant and William A. Goodman were trustees, has been listed and entered on the tax duplicates of Tippecanoe county and the city of Lafayette, since the creation of said trust and its constitution as elsewhere shown in the record, and that all taxes due on account thereof have been paid.

The further taking of these depositions is adjourned until Monday December 9, 1901, at 10 o'clock a. m.

LAFAYETTE, IND.,
Monday, December —, 1901—10 o'clock a. m.

Parties met pursuant to adjournment, present as heretofore and the further taking of these depositions is continued until Friday, December 13, 1901, at 2 o'clock p. m.

LAFAYETTE, IND.,
Friday, December 13, 1901—2 o'clock p. m.

Parties met pursuant to adjournment and the further taking of these depositions is continued as follows:

1789 JAMES BUCK, recalled by the defendant and testified as follows:

Direct examination by Judge LANGDON, counsel for defendants:

822 Q. Examine that paper; whose signature is that; Will S. Baugh? (Handing witness paper.)
A. Yes, sir.

Said paper is marked "A. A. O. R." and is made a part of this deposition in the following words and figures to-wit:

LAFAYETTE, INDIANA, December 12, 1901.

Received of James Buck, one of the trustees of a trust created by the will of Job M. Nash, deceased, the sum of one thousand five hundred and two and 21/100 dollars ($1,502.21), in full of all taxes and charges assessed by the auditor of Tippecanoe county, Indiana, on the 29th day of November, 1901, on certain personal property of said Job M. Nash, deceased, alleged to have been omitted from the tax duplicate of said county, for the years 1881, 1882, 1883, 1884, 1885 and 1886.

That at and before the payment thereof by the said Buck, trustee as aforesaid, the treasurer of said county made a demand on said Buck, as trustee, for the payment thereof, and then and there threatened to subject the property of said trust, in the hands of said Buck, to the payment of said taxes, unless the same was paid by him.

That then and there, and before the payment of the same, the said Buck protested the payment of the same, and protested that the said taxes were illegally assessed, and that said trust property was

not liable for the payment of said taxes, or any part of them, and he, the said Buck, trustee, as aforesaid, was not lawfully chargeable therewith.

1790 Given it duplicate.

WILL S. BAUGH, Co. Treas.,
By W. O. PEARCE, Deputy.

823 Q. Look at this paper, do you recognize it? (Handing witness paper.)

A. Yes, sir.

824 Q. Whose signature is that below there?

A. Frank Du Teil, city treasurer.

On motion said paper is put and read in evidence, in the words and figures following, to-wit:

LAFAYETTE, INDIANA, December 12, 1901.

Received of James Buck, one of the trustees of trust created by the will of Job M. Nash, deceased, the sum of one thousand five hundred and sixty-five & 58/100 ($1,565.58) dollars, in full of all taxes and charges assessed by the treasurer of the city of Lafayette, on the 29th day of November, 1901, on certain personal property of Job M. Nash, alleged to have been omitted from the tax duplicate of said city, for the years 1881, 1882, 1883, 1884, 1885 and 1886.

That at and before the payment thereof by the said James Buck, trustee as aforesaid, the treasurer of the said city of Lafayette, made a demand on said Buck, trustee, for the payment thereof, and then and there threatened to subject the property of said trust in the hands of said Buck, to the payment of said taxes, unless the same was paid by him.

That then and there, before the payment of the same, the said Buck protested the payment of the same, and protested that the said taxes were illegally assessed and that said trust property was not liable for the payment of said taxes, or any part of them,

1791 and that he, the said Buck, trustee as aforesaid, was not lawfully chargeable therewith.

Given in duplicate.

FRANK DU TEIL,
City Treasurer.

It is admitted that John F. McHugh, was elected to the Indiana State senate in 1890 for the term of four years.

GEORGE P. HAYWOOD, being first duly sworn, testified as follows:

Direct examination by Mr. WOOD, counsel for plaintiff:

1 Q. You may state your name?

A. George P. Haywood.

2 Q. You live in the city of Lafayette?

A. Yes, sir.

3 Q. And you are a lawyer by occupation?

A. Yes, sir.

4 Q. You may state how long you have been engaged in the practice of law in Tippecanoe county?

A. Nearly twenty years.

5 Q. If you were prosecuting attorney of Tippecanoe county and the twenty-third judicial circuit, you state the fact?

A. I was.

6 Q. When?

A. From the 7th day of November, 1887, until that day in November, 1891, four years.

7 Q. You may state during the time you were prosecuting attorney whether or not you had a contract with the board of
1792 commissioners of Tippecanoe county to place omitted property on the tax duplicate of Tippecanoe county for taxation?

Objected to by the defendants on the ground that the evidence sought to be elicited does not lend to show that Job M. Nash was not a resident of domiciled outside of the State of Indiana, or that any of his taxes upon real or personal property in the State of Indiana were not paid or were not listed for taxation.

A. I had.

8 Q. You may state whether or not under that contract you did place omitted property on the tax duplicate of Tippecanoe county?

Objected to by the defendants on the ground that the evidence sought to be elicited by the question is irrelevant, and upon the further ground that the contract itself should be out in evidence or shown.

A. I assisted in having omitted property placed on the tax duplicate.

9 Q. You may state what is the fact about your bringing a number of suits as prosecuting attorney for the purpose of enforcing the penalty against delinquents for omitting to give in their property for taxation?

Objected to by the defendants on the ground that it is not the best evidence.

A. I did as prosecuting attorney bring a number of suits for that purpose.

10 Q. You may state the number, or give the approximate
1793 number?

Objected to by the defendants on the ground that it is immaterial and for the reason that it is not the best evidence.

A. It would be all a very rough estimate now. There were quite a large number.

11 Q. Give your best recollection?

Objected to by the defendants on the ground that it is not the best evidence and it is irrelevant.

A. It seems to me there must have been four hundred or five hundred I have had, that a large number of those suits were dismissed,—based upon credits and under a ruling of the court a large number of them were dismissed.

12 Q. Some of them were prosecuted to effect?

A. Yes, sir.

13 Q. State Mr. Haywood what years you placed property upon the tax duplicate under the contract on which you have testified?

Objected to by the defendants on the ground that it is irrelevant and not the best evidence.

A. I don't remember just what year the contract was made but I think in the latter part of 1888 and the most, if not quite all the work, was done during the year 1889.

14 Q. 1888 and 1889?

A. Yes, sir.

1794 Cross-examination by Judge LANGDON, counsel for defendants:

15 Q. The contract you had with the board of commissioners that you speak of, was it in writing?

A. Yes, sir.

16 Q. Was it spread of record?

A. I think so.

It is agreed by and between the plaintiff and defendant that all agreements of the parties in this action, and other documents set out or copied in the evidence shall not be liable to objections because the original thereof is not made a part of the evidence, or returned therewith, and that the same as set out in the evidence shall be taken and deemed the primary evidence thereof.

It is further agreed that the caption and certificate of these depositions and evidence by William C. Mitchell, as commissioner, take and certify the same, have been accepted and approved by the said plaintiff and defendant as sufficient.

And further deponent saith not.

1795 STATE OF INDIANA, Tippecanoe County, } ss:

I, William C. Mitchell, of the city of Lafayette, Tippecanoe county, Indiana, a commissioner duly appointed by the order of the Warren circuit court, made and entered in the action wherein William S. Baugh, treasurer of Tippecanoe county, Indiana, is plaintiff, and James Buck, trustee of trust created by the will of Job M. Nash, deceased, is defendant, and now pending in said Warren circuit court, and by the agreement of said parties to said action, heretofore entered of record in said action, certify that before entering upon the duties of such commissioner, I was duly sworn to faithfully discharge the duties thereof, and I further certify that the

above named Edgar H. Andress, C. H. Ankeny, James Buck, Will S. Baugh, Adam O. Behm, Harvey H. Cheney, Thomas Crapp, John R. Gladden, George T. Haywood, Noah Justice, Relief Jackson, George A. Jamison, Austin L. Kumler, Jacob F. Marks, James Murdock, F. E. D. McGinley, James H. Mitchell, Alva O. Reser, A. D. Raub, S. O. Taylor, and William S. Walker were first duly sworn, according to law, to testify to the truth, the whole truth, and nothing but the truth, relating to said cause.

That the said depositions and evidence were taken before me in shorthand by Alva O. Reser, a competent stenographer and a disinterested person, and who was first appointed by me by virtue of the said order of said Warren circuit court, and duly sworn to take said evidence and depositions in said action. That said evidence and depositions were taken in shorthand before me, and in my presence, and under my directions, and that the said Alva O. Reser, transcribed the said evidence and depositions so taken in short-
1796 hand into longhand typewriting thereof, herewith returned and certified to by me.

That the said William S. Baugh, treasurer of Tippecanoe county, Indiana, plaintiff, attended in proper person, and by Messrs. Hanly and Wood, his attorneys, and that the said James Buck, trustee of trust created by the will of Job M. Nash, deceased, attended in proper person, and by Byron W. Langdon, his attorney, the taking of said depositions and evidence. That said depositions and evidence were taken at the court house of Tippecanoe county, Indiana, in the city of Lafayette, on the days and between the hours stated in the said longhand typewritten transcript herewith returned, and hereby certified, by virtue of said order of said court, and also by the agreement of said parties.

In witness whereof, I have hereunto set my hand this 6th day of January, 1902.

WILLIAM C. MITCHELL,
Commissioner.

STATE OF INDIANA, }
Tippecanoe County, } ss:

I, Samuel C. Moore, clerk of the Tippecanoe circuit court, certify that I am well acquainted with William C. Mitchell and I know his handwriting, and his signature made by him, and that the signature of his name above is genuine, and in his handwriting.

In witness whereof, I hereunto subscribe my name, and affix the seal of the clerk of said Tippecanoe circuit court, this 6th day of January 1902.

SAMUEL C. MOORE,
[SEAL.] Clerk Tippecanoe Circuit Court.

1797 STATE OF INDIANA, } ss:
Tippecanoe County, }

I, William C. Mitchell, master commissioner in the above entitled cause, do hereby certify that the following are the costs taxed and charged in said proceedings, to-wit:

John R. Gladeen,	witness	5	days	$6.25
Harvey H. Cheney,	"	5	"	6.25
C. H. Ankeny,	"	2	"	2.50
Relief Jackson,	"	2	"	2.50
F. E. D. McGinley,	"	2	"	2.50
S. O. Taylor,	"	3	"	3.75
Will S. Baugh,	"	3	"	3.75
O. H. Behm,	"	2	"	2.50
Noah Justice,	"	2	"	2.50
James H. Mitchell,	"	2	"	2.50
Joseph Foresman, sheriff, on subpœna				9.45
Samuel C. Moore, clerk, on subpœna and certificate				1.75
A. O. Reser, stenographer				346.00
William C. Mitchell, master commissioner				300.00

In witness whereof, I have hereunto signed my name, this 30th day of December, A. D. 1901.

WILLIAM C. MITCHELL,
Commissioner.

Mr. LANGDON: The defendant now desires to offer in evidence the deposition of J. Irving Pearce, together with the exhibit attached hereto.

The said deposition of J. Irving Pearce, together with the
1798 exhibit attached thereto is now withdrawn by the defendant, and

It is agreed between the parties to this suit that on Thursday, June 16th, 1892, the testator Job M. Nash registered at the Sherman house, in the city of Chicago, State of Illinois, in the following words, to-wit: "J. M. Nash, New York," in his own proper handwriting.

Mr. LANGDON: The defendant now desires to offer in evidence the deposition of George L. Arnold, together with the exhibit attached thereto.

The said deposition of said George L. Arnold, together with the exhibit attached thereto is now withdrawn by the defendant, and

It is agreed between the parties to this suit that on Monday, May 10th, 1875, the testator, Job M. Nash, registered at the Occidental hotel, San Francisco, California, on said date in these words, to-wit: "Job M. Nash and wife, New York," in his own proper handwriting.

Mr. LANGDON: The defendant now desires to offer in evidence the deposition of Fred Sterry, together with the exhibit thereto attached.

The said deposition of Fred Sterry, together with the exhibit attached thereto is now withdrawn by the defendant, and

It is agreed between the parties to this suit that on Thursday, September 1st, 1892, the testator, Job M. Nash, registered at the Homestead hotel, the Virginia Hot Springs Hotel Company, proprietors, Hot Springs, Virginia, in these words, to-wit: "Job M. Nash, New York," in his own proper handwriting.

1799 And this was all the evidence given in said cause.

STATE OF INDIANA, }
Warren County, } ss:

I, L. D. Patton, official shorthand reporter of the Warren circuit court, do hereby certify that the above and foregoing is a full, true and complete transcript in long hand of my shorthand report of the evidence in said cause and correctly sets forth all the evidence, including that which is oral, documentary and by deposition offered and heard in said cause, and all the rulings of the court in respect to the admission and rejection of evidence and the competency of witnesses and all objections and exceptions thereto.

Witness my hand this 7th day of February, 1903.

(Signed) L. D. PATTON,
Official Shorthand Reporter, Warren Circuit Court.

Filed in the office of the clerk of the Warren circuit court, February 7th, 1903.

(Signed) JOHN G. McCORD,
Clerk Warren Circuit Court.

Received of the defendant, James Buck, trustee, five hundred and ninety-six 75/100 dollars for the foregoing transcript of the record in said cause.

(Signed) L. D. PATTON,
Official Reporter.

Feb. 7, 1903.

And be it further remembered, that the evidence set out in the foregoing original long hand manuscript typewritten copy of the evidence in said cause was all the evidence given and heard
1800 at the trial of said cause; and

Be it further remembered, that at the trial of said cause the court upon the defendant's motion allowed to the defendant ninety days' time within which to prepare and file his bill of exceptions in this cause; and the defendant now brings this, his bill of exceptions embracing such original long hand manuscript typewritten copy of

the evidence in said cause and presents the same to the judge of said court and asks that the same may be signed, sealed and made a part of the record of said cause, which is now done as the defendant's bill of exceptions No. 5.

I, Joseph M. Rabb, sole presiding judge of the Warren circuit court of Warren county, Indiana, hereby certify the foregoing bill of exceptions No. 5 of the defendant, James Buck, trustee, was presented to me on this 9th day of February, 1903, and is now signed by me and made a part of the record in said cause this February 9th, 1903.

(Signed) JOSEPH M. RABB,
Judge of the Warren Circuit Court.

And be it further remembered that on the 9th day of February 1903, the following further proceedings were had in said cause and entered of record upon the order books of said court in these words, to-wit:—

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. } No. 5833.

Comes now the defendant by Langdon and McAdams his attorneys and file with the clerk of said court an order for a transcript
1801 of the proceedings in said cause for appeal to the supreme court of the State of Indiana and said order reads as follows, to-wit:

STATE OF INDIANA, } ss:
Warren County, }

Warren Circuit Court, in Vacation Term, 1903.

WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
vs.
JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased. } No. 5833.

To the clerk of the Warren circuit court:

You are hereby directed to make a complete transcript of all the papers filed and record entries made in the above entitled cause as the same now appear upon the records and on file in your office, and to include in such transcript the original long hand typewritten transcript of the evidence given in said cause and prepared by L.

D. Patton, official stenographer of said court and his certificate thereto attached, which forms a part of the defendant's bill of exceptions No. 5 and filed in your office on this date.

Such transcript to be used upon appeal of said cause to the supreme court of said State.

February 9th, 1903.

B. W. LANGDON,
C. V. McADAMS,
Att'ys for Defendant.

1802 STATE OF INDIANA, } ss:
Warren County, }

I, John G. McCord, clerk of the Warren circuit court of Warren county in the State of Indiana, hereby certify that the foregoing transcript contains full, true and complete copies of all the papers filed and record entries made in said cause together with the original long hand manuscript typewritten copy of the evidence filed in my office on February 7th, 1903, by L. D. Patton, official shorthand reporter of said Warren circuit court and the same is embraced in the defendant's bill of exceptions, No. 5, signed by the judge of said court on February 9th, 1903, and thereafter filed in my office together with the true copy of the defendant's precipe for the record in said cause.

In witness whereof I hereunto set my hand and affixed the seal of the Warren circuit court at my office in Williamsport, Indiana, this 15th day of February, 1903.

(Signed) JOHN G. McCORD,
Clerk of Warren Circuit Court.

Feb. 7th, 1903.
Received eighty-eight ($88.00) for transcript.
(Signed) JOHN G. McCORD, Clerk.

1803 STATE OF INDIANA:

In Supreme Court of Indiana.

JAMES BUCK, Trustee of a Trust Created by the Will of Job M. Nash, Deceased, Appellant,
vs.
WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, Appellee.

The appellant said there is manifest error in the judgment and the proceedings in this cause, in this, namely:

1. The court erred in overruling the appellant's demurrer to the complaint.

2. The court erred in overruling the appellant's demurrer to the supplemental complaint.

3. The court erred in sustaining the demurrer to the appellant's fourth (4th) paragraph of the answer.

4. The court erred in sustaining the demurrer to the fifth (5th) paragraph of the appellant's answer.

5. The court erred in sustaining the demurrer to the appellant's fourty (4th) and fifth (5th) paragraphs of answer.

6. The court erred in overruling appellant's motion to modify the finding of the court.

7. The court erred in overruling the appellant's motion to modify the judgment and decree of the court.

8. The court erred in overruling appellant's motion to modify and strike from the judgment and decree of the court certain parts thereof.

9. The court erred in overruling the appellant's motion for the new trial.

For which errors the appellant prays that the judgment be in all things reversed.

(Signed) BYRON W. LANGDON,
Attorney for Appellant.

1804 And afterwards, to-wit: on the 20th day of April, 1903, the same being the 129th judicial day of the November term, 1903, of said supreme court, the following further pleas and proceedings were had in said cause, to-wit:

Come now the parties by counsel, and this cause is submitted to court for judgment and decree, as provided by the act of the General Assembly of the State of Indiana, approved April 18, 1885, and the rules of said supreme court adopted in relation thereto.

And afterwards, to-wit: on June 16, 1903, come the parties by counsel, and file their agreement that appellant have additional time to file brief herein.

And afterwards, to-wit: on June 19, 1903, the court being fully advised in the premises, grants appellant ninety (90) days additional time from June 27, 1903 in which to file brief.

And being further advised in the premises, grants the appellee herein ninety (90) days from the filing of appellant's brief herein to file appellee's said brief in said cause.

And afterwards, to-wit: on September 23, 1903, comes the appellant, by *its* said counsel, Addison C. Harris, and files *its* said brief (8) herein.

And afterwards, to-wit: on September 24, 1903, comes the appellant, by *its* said counsel, Byron W. Langdon, and files *its* said brief (8) herein.

5 And afterwards, to-wit: on December 8, 1903, comes the appellee, by counsel, and files his petition for additional time ile his brief herein.

ınd afterwards, to-wit: on December 8, 1903, the court being ad-ɔd in the premises, grants appellee ten (10) days additional time ile brief herein.

ınd afterwards, to-wit: on December 30, 1903, comes the appellee, counsel, and files his petition for additional time to file his brief ein.

And afterwards, to-wit: on December 30, 1903, the court being ised in the premises, grants appellee's petition for additional ıe to file brief herein, and extends the time to January 13, 04.

And afterwards, to-wit: on January 12, 1904, comes the appellee, counsel, and files his brief (8) herein.

And afterwards, to-wit: on January 27, 1904, comes the appellant, counsel, and files his reply brief for the probate court.

And afterwards, to-wit: on January 28, 1904, comes the appellant, counsel, and files his petition for additional time to file reply ief herein.

And afterwards, to-wit: on January 29, the court being advised in e premises, grants appellant's petition for additional time herein, d extends the same to March 8, 1904.

06 And afterwards, to wit: on February 29, 1904, comes the appellant, by counsel, and files his petition for additional ne herein.

And afterwards, to-wit: on February 29, 1904, the court being vised in the premises, grants appellant's petition for additional ne herein, and extends the time sixty (60) days from March 5, 04.

And afterwards, to-wit: on April 19, 1904, comes the appellant, counsel, and files his petition for additional time herein.

And afterwards, to-wit: on April 20, 1904, the court being ad-sed in the premises, grants appellant's petition for additional time d extends the same fifteen (15) days from May 5, 1904.

And afterwards, to-wit: on May 18, 1904, comes the appellant, by unsel, and files his petition for additional time herein.

And afterwards, to-wit: on May 19, 1904, the court being advised the premises, grants appellant's petition for additional time rein, and extends the same fifteen (15) days.

And afterwards, to-wit: on June 4, 1904, comes the appellant, by counsel, and files his reply brief (8) herein, and files appellant's corrected brief (8) herein.

1807 And afterwards, to-wit: on October 13, 1904, the same being the 124th judicial day of the May term 1904 of said court, the said supreme court being advised in the premises, affirms the judgment of the court below in the above entitled cause, with the following opinion pronounced by Gillett, J., which said opinion is in the words and figures following: (here insert).

1808 STATE OF INDIANA:

In the Supreme Court, May Term, 1904.

On the 13th day of October, 1904, being the 124th judicial day of said May term, 1904.

Hon. James H. Jordan, chief justice.

Hon. Alexander Dowling, Hon. John V. Hadley, Hon. Leander J. Monks, Hon. John H. Gillett, justices.

In the Case of JAMES BUCK, Trustee, &c., vs. WILLIAM E. BEACH, Treasurer, &c. } No. 20105. Appeal from the Warren Circuit Court.

Come the parties by their attorneys, and the court being sufficiently advised in the premises gives its opinion and judgment as follows, pronounced by Gillett, J.:

1809 James Buck and William A. Goodman, as trustee under the will of Job M. Nash, deceased, commenced an action in the court below against appellee's predecessor in office to cancel an assessment for taxes made against their decedent's estate, and to restrain that officer from enforcing said assessment against them and against the property held by them. A demurrer for want of facts was sustained to the complaint, and final judgment rendered against the plaintiffs in said action. They prosecuted an appeal to this court, where the judgment was affirmed. Buck v. Miller, 147 Ind. 587. Appellee afterwards commenced this action to enjoin appellant from removing certain of said trust property from the county of Tippecanoe until the taxes which had been assessed against the estate of said Nash upon the duplicate of said county had been paid, and to procure an order against him to discover and turn over, for the purpose of sale, so much of said property as it was necessary to sell to pay said taxes. There was a trial by the court, and, before the finding, the parties entered into the following stipulation, which was made a matter of record: "It is agreed in open court by and between the parties to this cause that the court, in the judgment and decree to be rendered herein, may find, fix, and adjudge what, if

any, of the property, on which the tax in controversy herein was levied, was subject to taxation for each of the years in controversy, and what, if any, portion of the said assessment is a valid assessment; also the amount, if any, of said taxes due the plaintiff herein; also what, if any, portion of said assessment is invalid and void, and that the court in such decree may adjudge the payment of any portion of said assessment so found and adjudged to be due, and may cancel and enjoin the collection of any portion of said assessment so found and adjudged to be invalid, and said action of the court shall be taken and held to be within the issues in said cause, and this agreement shall not be controlling on the parties for any other purpose." There was a finding in favor of appellee. Although special in form, yet, for want of a prior request, the finding must be treated as general in effect. Over appellant's motion for a new trial, there was a decree in accordance with the finding, and the record presents the question whether the finding was contrary to law.

1810 The underlying controversy in this case relates to the taxation of certain notes secured by mortgage, styled in the record, "The Ohio notes." In 1895 the auditor of Tippecanoe county, after giving notice to the executors of said estate and to appellant, entered upon the duplicate of said county, as omitted property, assessments against said estate, based on said notes, for the years and in the amounts following:

1884	$32,329.08
1885	98,131.00
1886	129,885.00
1887	198,612.00
1888	241,457.00
1889	221,599.00
1890	282,524.00
1891	311,944.00
1892	369,636.00
1893	309,858.00

The auditor also extended taxes upon said assessments aggregating, aside from penalties, $36,357.71.

During the years above mentioned, and for a considerable time prior thereto, the decedent was in life, and was domiciled in, and a resident of, the State of New York. During the period covered by said assessment he had a sum approximating $750,000.00 invested in Ohio and Indiana, much of which was loaned upon notes secured by mortgage upon real estate. For the purpose of collecting the principal and interest on his outstanding investments, and to reinvest the moneys so received, he had an agent in Cincinnati and another in Lafayette. The Cincinnati agent commenced loaning decedent's money about 1860, and upon the removal of decedent to New York, about 1870, until his death, in 1893, said agent made investments on decedent's behalf in Ohio, collected principal and interest upon his mortgage loans, and had general charge of his

financial interests in that State. The notes on which said assessment was based were made payable to decedent in Ohio, in from three to five years after their execution, and were secured by mortgage on real estate situate in said State.

1811 James Buck was the agent of decedent at Lafayette during the years from 1884 to 1893. Aside from his duties in respect to Indiana business, Buck kept the Ohio notes involved in said assessment, together with the mortgages securing said notes, in his possession at Lafayette, Indiana, from the time the mortgages were recorded until the notes were due, except that the notes were sent to the Ohio agency to have interest payments endorsed upon them, and except that the notes and mortgages were sent to Ohio just before the first day of April in each year, the Ohio agent returning them a few days afterwards. It was the business of Buck, aside from keeping said notes and mortgages safely, to keep memoranda of the loans represented by them, and of the transactions concerning them, in a register and to forward said instruments as above indicated.

It is the theory of appellants that the Cincinnati agent had the legal control of the Ohio notes and mortgages at all times, and that they were sent to Lafayette merely for safekeeping and for clerical convenience. If we were required to accept the conclusions of the two agents, as set out in the transcript of the evidence, as to who had the control of said paper, appellant's theory would be maintained by the record, but the court below was authorized to make the opposite deduction from the uniform course of the business in respect to the keeping of said notes and mortgages and from the evidence that decedent gave the direction which established the practice that was pursued in that particular. More than that, the evidence clearly warranted the conclusion that Buck was vested with a control of said notes and securities for the purpose of enabling decedent to escape taxation in Ohio. We must therefore conclude, in support of the general finding, that the court below found that in the conducting of the business of the Ohio agency the decedent separated from said business the possession of said notes and mortgages and vested the right to such possession in said Buck. There was no return for taxation of said notes, or of the investments represented by them, either in Ohio or in New York during the lifetime of the decedent.

There was much evidence introduced by appellee as to the nature and extent of the business conducted by Buck at the Lafayette office, and as to the powers possessed by him, but in the view we

1812 take of the case it is not necessary to go into these matters. We may, however, state, as a circumstance not wholly immaterial, that the office wherein said notes and mortgages were kept belonged to the decedent.

It is contended by appellant's counsel that the Ohio notes were not taxable in Indiana because the owner of them was a non-resident of this State and the notes themselves had at no time been used

or invested in any Indiana business and had not arisen out of any business or investment in this State.

It was said by Chief Justice Marshall, in pronouncing the opinion of the court in McCulloch v. State of Maryland, 4 Wheat. 316, 429: "All subjects over which the sovereign power of a State extends are objects of taxation; but those over which it does not extend, are, upon the soundest principles, exempt from taxation. This proposition may also be pronounced self-evident. The sovereignty of a State extends to everything which exists by its own authority, or is introduced by its permission."

In State Tax on Foreign Held Bonds, 15 Wall. 300, it was in effect said that the subjects of taxation within the jurisdiction of a State are necessarily limited to, persons, property and business. Without pausing to determine how far Buck v. Miller 147 Ind. 587, declares the law of the case upon this appeal with reference to the question as to whether said notes were taxable in this State, we may say that we agree with counsel for appellant that the mere fact that a business was carried on in Indiana which was collateral to the business of Buck in connection with the notes in question was not enough to give said notes a business *situs* here.

In the orderly disposal of this case it is necessary to consider first as to the existence of power to tax paper evidences of credit, and, next, if that question is solved in the affirmative, whether the power has been exercised.

In Pullman's Car Co. v. Pennsylvania, 141 U. S. 18, 22, the court said: "No general principles of law are better settled, or more fundamental, than that the legislative power of every State extends to all property within its borders, and that only so far as the comity of that State allows can such property be affected by the law of any other State. The old rule *mobilia sequuntur personam*, by 1813 which personal property was regarded as subject to the law of the owner's domicile, grew up in the Middle Ages, when movable property consisted chiefly of gold and jewels, which could be easily carried by the owner from place to place, or secreted in spots known only to himself. In modern times, since the great increase in amount and variety of personal property, not immediately connected with the person of the owner, that rule has yielded more and more to the *lex situs*, the law of the place where the property is kept and used."

In New Orleans v. Stemple, 175 U. S. 309, 320, it was said of the observation of the court, in the State Tax on Foreign Held Bonds case, *supra*, that personal property consisting of bonds and mortgages generally has no situs independent of its owner: "This last sentence, properly construed, is not to be taken as a denial of the power of the legislature to establish an independent *situs* for bonds and mortgages, when those properties are not in the possession of the owner, but simply that the fiction of law so often referred to declares their *situs* to be that of the domicile of the owner, a declaration which the legislature has no power to disturb when in fact they are in his

possession." The case from which we have just quoted is an instructive one on the question as to the power of the legislature to localize notes and mortgages for the purposes of taxation. In that case the plaintiff, as guardian of certain minors, residents of New York, appointed by a court in that State, having been put in possession of certain notes belonging to her wards, secured by mortgage on real estate in Louisiana, left the notes and mortgages in the possession of an agent in that State, to collect the interest and principal, and deposit it in a bank in New Orleans, to the credit of the plaintiff. It will be observed that the case did not involve the element of reinvestment. It was held that the notes were subject to taxation in the hand*w* of the agent. In concluding the opinion the court said: "It is well settled that bank bills and municipal bonds are in such a concrete, tangible form that they are subject to taxation where found, irrespective of the domicile of the owners, are subject to levy and sale on execution, and to seizure and delivery under replevin, and yet they are but promises to pay, evidences of existing 1814 indebtedness. Notes and mortgages are of the same nature; and while they have not become so generally recognized as tangible personal property, yet they have such a concrete form that we see no reason why a State may not declare that if found within its limits they shall be subject to taxation."

In People v. Board, 48 N. Y. 390, the question was as to whether a real estate contract, relating to lands in New York, belonging to a non-resident vendor, and held in the hands of an agent in said State, was taxable therein. In the course of the court's opinion it was said: "Notes, bonds and other contracts for the payment of money have always been regarded as personal property and treated in the law as personal property. They represent the debts secured by them. They are the subject of larceny, and a transfer of them transfers the debt. If this kind of property does not exist where the obligation is held, where does it exist? It certainly does not exist where the debtor may be and follow his person. And while, for some purposes in the law, by a legal fiction, it follows the person of the creditor and exists where he may be, yet it has been settled that for the purpose of taxation this legal fiction does not, to the full extent apply, and that such property belonging to a non-resident creditor may be taxed in the place where the obligations are held by the agent."

Attention may be called to the case of People, *ex rel.* Jefferson v. Smith, 88 N. Y. 581, in which it was held that property belonging to a person domiciled in the State of New York, consisting of notes and mortgages, which had obtained a business *situs* in another State, was not to be treated as taxable under the New York statute. That case possesses two especial elements of interest: (1) That it is a case where a court of the State in which the owner of the property was domiciled gave recognition to the fact that notes and mortgages may obtain a *situs* for taxation elsewhere; and (2) that the decision at least suggests that the decedent, Nash, was probably not liable to

pay taxes on said Ohio notes in New York, the State of his domicile.

In the case of *In re* Romain's Estate, 127 N. Y. 80, the question arose as to the liability of the estate of a person who died while domiciled in the State of Virginia to pay a tax, under the collateral inheritance tax law of the State of New York, on the value of certain paper evidences of investments, kept in a safety deposit
1815 vault in New York city, and also on his deposits in savings banks in that city. The statute in terms applied to non-residents as well as to residents, but aside from the matter of power, there was a question whether the property was within the State, as a matter of law, in view of its character and the domicile of its owner. "The fiction of law," said the court, in considering the statute, "that personal estate has no *situs* away from the person or residence of its owner is done away with to a limited extent, and for a specified purpose, and the truth is substituted in its stead as the rule of action. That the legislature had the power to do this can hardly be questioned. *In re* McPherson, 104 N. Y. 306. As said by Judge Story, when writing upon this subject: 'A nation within whose territory any personal property is actually situated has an entire dominion over it while therein, in point of sovereignty and jurisdiction, as it has over immovable property situated there.' Confl. Laws, § 550. In Hoyt v. Commissioners, 23 N. Y. 224, 228, Judge Comstock quotes with approval the foregoing extract, and adds: 'I can think of no more just and appropriate exercise of the sovereignty of a State or nation over property situated within it and protected by its laws than to compel it to contribute towards the maintenance of government and law. Accordingly there seems to be no place for the fiction of which we are speaking (*mobilia personam sequuntur*) in a well adjusted system of taxation' * * * The appellant further contends that the property in question was not 'within the State,' according to the true meaning of the statute, and the contention is supported by the argument that it would be unreasonable to tax money found upon the person of a non-resident, who died while traveling in this State. We should hesitate before applying the statute to any property casually brought into the State for a temporary purpose, as by a visitor or traveler, but the record before us does not present such a case. It might well be held that such property, although literally 'within the State,' was not here in the sense meant by the statute, on account of the transitory and accidental character of its presence and the immediate custody of the owner (Herron v. Keeran, 59 Ind., 472, 476). Where, however,
the money of a non-resident is invested in this State, as it
1816 was by Mr. Romaine in the bond and mortgage in question, and in the deposits made by him in the savings banks, or where the property of a non-resident is habitually kept, even for safety in this State, we think that the statute applies both in the letter and spirit. Such property is within this State in every reasonable sense, receives the protection of its laws and has every advan-

tage from government, for the support of which taxes are laid, that it would have if it belonged to a resident." See also *In re* Whiting's Estate, 150 N. Y. 29; *In re* Hondayer's Estate, 150 N. Y. 37.

A case involving the power to tax the notes of a non-resident company, although it only made use of its credit in purchasing such notes, and had no local capital, is Comtoir v. Board, — La. Ann. —, 27 So. 805. In that case a French company was engaged at New Orleans in the business of loaning money on bills of lading covering cotton and grain shipped to Europe. It raised the money to make such advances by sellings its bills of exchange upon London, Paris, Berlin and New York. In deciding the case the court said: "A non-negotiable note is certainly sufficiently concrete in form to be made an object of taxation. The fact that it may be less valuable in fact than it appears on its face may affect the estimate to be placed upon it for assessment purposes. But that question is something other than the question of its being a proper object of taxation. If a person domiciled abroad were to die leaving non-negotiable notes in this State in the hands of an agent, the presence of these notes in Louisiana would authorize the opening of the succession in Louisiana for the protection of Louisiana creditors. We think the State has as much legal right to subject them, being here, to payment of the contribution which it justly claims from all parties receiving the protection and benefit of its laws, who operate their property here for their individual gain and benefit, as any creditor hereof."

A late text writer on the law of taxation says: "Where personal property is located within the State, whatever its form, whether evidences of debt, or otherwise, it may be subjected to the State's taxing power, irrespective of the residence of the owner. Thus the State may establish an independent *situs* for taxation of bonds, mortgages and other securities of non-resident owners, located in its jurisdiction." Judson on Taxation, § 394, and see § 397 of same work.

1817 In the light of the above authorities there certainly can be no question as to the power of the legislature to treat the promissory notes of non-residents which are permanently kept in the hands of an agent within the State as personal property for the purposes of taxation. The only open question in this connection is as to whether the power has been exercised.

Preliminary to a consideration of the taxation acts of 1881 and 1891 (Acts 1881, p. 611, § 6269, *et seq.*, R. S. 1881, Acts 1891, p. 199, § 8408, *et seq.*, Burns' 1901), respecting the question suggested, it will be profitable to consider such of the decisions of this court as are relevant to the question last suggested, and also to consider which State, according to general principles of law, may be said to have been the proper or more appropriate jurisdiction to tax the property mentioned.

We pass over without citation a number of early cases in Indiana wherein it was held that in the absence of any direction to the con-

trary the domicile of the owner of intangible personal property is the controlling factor as between different taxing corporations within the State. We do not regard such authorities as at all in point as applied to cases like the one in hand.

In Herron v. Keeran, 59 Ind. 472, it was held that promissory notes and accounts placed in the hands of an attorney in Indiana for collection, and municipal bonds left temporarily with a bank in this State for safe keeping, belonging to a non-resident, were not liable to taxation here. This court there said that the *choses in action* involved were property within the State, and as such were within the letter of the taxation act, but as a matter of interpretation it should be held that the property was not within the State according to the sense in which the legislature had used those words. The court in that case distinguished between the case before it and the class of cases recognizing the possibility of notes obtaining a business *situs* where they are in the hands of an agent for collection, with a purpose to have him reloan the money, the business being permanent in his hands. Foresman v. Byrns, 68 Ind. 247, is not remotely in point upon the question here involved, so far as the matter before the court was con-
1818 cerned, but that case is relied on by counsel for appellant, since language was used in the opinion from which it is to be inferred that credits due to a non-resident are only to be taxed where a business *situs* has been established as the same was defined in the Herron case, *supra*. There was a mere statement of the proposition, and, as the question of business *situs* was not involved, it cannot be presumed to have received the careful attention of the court. This mere inconsiderate *obiter* cannot be held to have established a rule of construction that should be influential in the construction of the taxation acts which were subsequently passed. See National Supply Co. v. Stranahan, 69 N. E. 447; Sulzer-Vogt, etc., Co. v. Rushville Water Co., 160 Ind. 202. Schmidt v. Failey, 148 Ind. 150, is a case which involved the liability of a receiver of a corporation to assessment for the purposes of taxation on moneys in bank in this State, it appearing that a considerable part of the fund deposited, belonging to creditors over the country, had been brought into the State by reason of the fact that courts in other States had appointed receivers over the same corporation, and had caused the funds sequestered by such orders to be turned over to the receiver in this State, for the purpose of having one administration. In deciding that the deposit was subject to taxation this court indicated that since the funds were protected by this State and one of its courts was administering the trust, it inclined to a construction of the act of 1891 which would render the property liable to contribute to the maintenance of government in this State. In Gallup v. Schmidt, 154 Ind. 196, it was said: "The right to tax property is a sovereign right reserved to the jurisdiction charged with the duty of its protection; and the authority of a taxing district to require all classes of property sheltered by it to pay their ratable proportion of the ex-

pense of maintaining the government is unaffected by the residence of the owner."

We come now to the case of Buck v. Miller, 147 Ind. 587, which we mentioned in an earlier portion of this opinion. As indicated, the questions in that case were presented on demurrer to the complaint. There was so much of what was material left indefinite in that pleading that we hesitate to hold that the opinion is the law of the case in respect to the question as to whether said notes were taxable in this State. That opinion, however, is very much
1819 in point. Thus it was there said: "For purposes of taxation, the term 'personal property' includes bonds, notes, *choses in action* and other evidences of credits. * * * The test as to where the right to tax property exists is its place of location and use; the place where, if a security or obligation, it is a credit, not where it is a debit. It is quite immaterial whether the notes or other obligations were executed or were due by residents or non-residents of the State. If they were owned, held and used in Indiana, they were taxable here; and this, too, whether the business here in which they were used was conducted by Mr. Nash in person, or by some one else for him. * * * The property is taxable where it is owned, held and used in business, and where it is protected by the laws of the community in which it is so held and used; and the circumstance that the owner, whether for honest or other motives, claims a residence elsewhere, is not controlling. It is, of course, quite different, as already many times said, where the property is temporarily in the State; as, for instance, where securities are sent into the State for collection, inspection and safekeeping, or the like."

It does not militate against the power of the State to tax personal property which has a definite and permanent *situs* therein that another State, by reason of its jurisdiction over the owner or otherwise, is also exercising a like power. Coe v. Errol, 116 U. S., 517; Boyer v. Jones, 14 Ind., 354; Judson on Taxation, § 426; and see Davidson v. New Orleans, 96 U. S., 97, 106. As a matter of justice, however, the courts incline to a presumption that the taxing acts they are called on to construe were not intended to reach property which has its proper *situs* elsewhere, provided that the language of the statute does not lead to the opposite conclusion. But as applied to this State it may be said that where it appears that the proper *situs* of property is here, the effect of our constitutional provision relative to taxation, (sec. 1, art. 10) is to create a presumption of a legislative purpose to tax. As an aid therefore to the construction of the acts of 1881 and of 1891, we look to the question as to whether the appropriate State for the taxing of said notes was New York, Ohio or Indiana.

As to the first named State, it would appear that if the notes and the agency had been united in another State, the doctrine laid
1820 down by the New York court of appeals would have relieved the owner of liability to pay a tax on the notes in New York, provided, of course, that the statute remained as it was. In view of the abiding character of the Ohio agency and of its nature and ex-

tent, and of the fact that the notes were kept in this State in the hands of an agent, as a part of said business, and in the office of the decedent, it cannot be held that the owner did not separate the notes from his domicile, so far as concerns protection of the property, the most potent element in natural justice on which taxation can be based, it appears that New York cannot assert that reason for exacting a tax. Indeed, it could not reach the property, but only its owner; a power that ought to be the first to yield.

As to the State of Ohio, it is first to be considered that the mere fact that it was the State where the debts existed did not authorize it to tax the investments: State Tax on Foreign Held Bonds, 15 Wall. 300; Senour v. Ruth, 140 Ind. 318. In the Federal case above cited it was said: "Corporations may be taxed, like natural persons, upon their property and business. But debts owing by corporations, like debts owing by individuals, are not property of the debtors in any sense; they are obligations of the debtors and only possess value in the hands of the creditor. With them they are property and in their hands they may be taxed. To call debts the property of debtors is simply to misuse terms." Since the above case was decided, the same court held in Savings Society v. Multnomah Co., 169 U. S. 421, that for the purposes of taxation it is competent for the State to tax the interest of a mortgagee of real property at the place where the land is situated, relieving the owner of the land *pro tanto*, but that case proceeded on the theory that as a mortgage is a defeasible conveyance of the fee, it is therefore competent to tax such interest. Doubtless it would have been within the authority of the State of Ohio to have established an excise tax upon the permanent business of loaning money in the State. It may be possible that as to moneys which have been made permanently a part of the capital of the State it would have been competent to have enacted a law requiring agents in such circumstances to return such capital, on behalf of the owner, as moneys loaned,
1821 although we have not found any case which goes that far.

Whether any such exceptional enactment exists in the State of Ohio we are not informed, and it is really immaterial as to what the fact is in such particular, for it will be perceived that neither of such forms of taxation would tax either the note or the credit. In the enforcement of its revenue system this State cannot defer to any possible law which might be upon the statute books of another State indirectly subjecting the same property to taxation. Our chief concern in entering on the inquiry as to whether the decedent was subject to taxation on his property in Ohio was to guard against a holding that the notes were taxable here (assuming that such construction were admissible), if upon well established principles concerning notes obtaining a business *situs* it was evident that holding such property liable here would result in double taxation. All of the cases involving business *situs* that we have examined are cases where the notes were in the hands of the agent. Indeed, under any ordinary statute, merely authorizing the taxation of

property in the possession of an agent, we do not perceive how he could be assessed except upon the notes. If the latter had a *situs* elsewhere, it would result that in such circumstances the investment would escape taxation. See People v. Davis, 112 Ill. 272. We shall therefore look to the question as to the *situs* of the notes.

The evidence in this case warranted the conclusion that the agent in Ohio had no general right of possession which would have enabled him to recall the notes at any time; that his right of possession was limited to the times when the principal or interest was due and to assessment days in Indiana. It is to be recollected that whatever measure of possessory right the Indiana agent had over the notes was in necessary diminution of the possession which might be lawfully had of them by the agent in Ohio. It appears that the possession of the notes in Indiana was the substantial one, while that in Ohio was never more than ephemeral and in some instances merely fugitive. Such possession as the Ohio agent had, assuming that he had no general right of control, was not sufficient to establish the *situs* of the notes there, as between that State and the one where they may be practically said to have been kept, and where an essential part of the business of the agency, as it was actually constituted, was carried on.

1822 If it satisfactorily appears that neither New York nor Ohio was the proper place for the assessment of said notes, then it must needs be that the appropriate *situs* for their taxation was in this State.

Indiana has just grounds on which to claim the *situs* of said notes. It was the only State in which they were generally kept; they were kept in the hands of an agent here, in the office of decedent, in connection with a business that, however limited as applied to this State, was of a permanent character, and a component part of an entire business sufficiently broad to give such notes a *situs* other than the domicile of the owner. The additional elements of a power over the paper to surrender it upon payment and to reinvest the proceeds serve to mark more plainly a business *situs*, but in this case, where a single business had, for the purpose of transacting it, been split up between two States, we think that the State which not only furnished protection, but which had within it, practically at all times, the concrete evidences of the indebtedness, that alone, so far as the credit was concerned, was subject to taxation, may be treated as the proper *situs* for the assessment of such paper. This is not a case of notes sent into the State by their owner for safekeeping and clerical convenience merely. The business done by Buck concerning said notes would have clearly been a part of the Ohio business, had it been done in Ohio, but as Buck's duties relative to said notes were transacted in Indiana, as they were required to be, such duties, while attached to the same business, were really a part of an inter-state business. That business, as before stated, was of such a character as to localize said notes for the purposes of taxation, and the court is therefore called upon to determine the

situs of the notes pertaining to the business as between the States in which the business was transacted.

We regard the proper *situs* of the paper as the place where it was located in fact. The theory of appellant's counsel that notes of a non-resident are only taxable in the event that they represent business done in the State is fal-acious. The assessment is in this instance based on the paper representatives of credits; on the theory that the concrete evidence of a credit, which may be seen, handled and replevied, which is protected by the law, and which so far represents the demand that a mere delivery of it may carry an
1823 equitable right to receive the benefit of the promise may appropriately be subjected to assessment in the State where it is kept, provided that the circumstances of the keeping are such as to separate it from the domicile of its owner. If this be the correct theory, the State in which the note is not kept, and not protected, where it cannot be seen, handled or replevied, or subjected to manual delivery, is not the State which may most appropriately tax the note.

There can be nothing in the theory that the State where the note is payable continues to protect it, though absent, by holding out a remedy for its ultimate enforcement, for constitutional provision has placed it beyond the power of the State to impair the contract. Neither can it be held that the State where the note is given may tax it on the theory that it is the place of its business nativity, for this would enable the State to tax notes executed in the State, not connected with any business agency, and in the hands of non-resident principals,—a proposition which all of the authorities deny.

Furthermore, as it was decedent's purpose to avoid localizing said notes in Ohio, by keeping them in this State, the intent must be imputed to him to establish a *situs* for that portion of his wealth here, and in a case where the tangible evidences of a man's investments are kept here permanently, in the hands of an agent, to escape taxation elsewhere, we perceive no reason why it would be unjust to him to hold that his paper was within the State.

In view of all the circumstances surrounding the keeping of said notes in Indiana, and of the purpose in so doing, it is not only our opinion that the *situs* of said notes was within the governmental subdivision on behalf of which appellee acted, but also that so far from straining against a construction of the enactments from which the authority to assess must be derived, if it exists, we ought rather to give weight to the presumption that the General Assembly has done its plain duty in the premises, by providing for the assessment of the property.

Section 6271 R. S. 1881, provided: "All real property within this State, all personal property owned by persons residing in this State (whether it is in or out of this State), and all personal property within this State owned by persons not residing within this State, subject to the exceptions hereinafter stated, shall be subject to
1824 taxation." Section 6273, *supra*, provided that "the terms 'personal estate' and 'personal property,' as used in this act

shall be construed to include * * * (among other things) all rights, credits and *choses in actions*." Provision was made for agents listing property. §§ 6297, 6330, *supra*. The schedule of said act was sufficiently broad to cover property which could not be listed as money loaned. See items 81 and 82; § 6336, *supra*.

Turning now to the act of 1891, we find that § 8410, Burns 1901, provides that "all property within the jurisdiction of this State, not expressly exempted, shall be subject to taxation." Provision is made in said act for agents listing property. §§ 8429, 8458, *supra*. It is also provided that "personal property of non-residents of the State shall be assessed to the owner or to the person having control thereof in the township, town or city where the same may be, except that where such property is in transit to some place within the State, it shall be assessed in such place." § 8421, *supra*. All notes are required to be valued in the schedule (§ 8460, *supra*,) and that instrument must be attested by an oath that it "contains a true, full and complete list of all property held or belonging to" the person making the same. § 8463, *supra*. Sec. 8676, *supra*, provides as follows: "The State board of tax commissioners is hereby authorized to prepare for the use of assessors a more complete and perfect form of 'schedule of property' than that set out in § 53 of this act, with a view of securing a full assessment of all the property of the State." Counsel for appellant contend that § 8410, *supra*, is limited in its operation by the section which follows it. Segregating these two sections from the balance of the act, the contention mentioned might seem plausible, but the whole act must be read together, and, especially in view of the section last quoted, we are constrained to the conclusion that it was not the purpose in the enactment of § 8411 to give a particular enumeration of all of the kinds of property which the act subjects to taxation.

Referring now to both acts, we are of opinion that each is broad enough, the *situs* of the notes being within the State, to warrant the holding that said notes were subject to taxation here, and reading said acts in the light of the constitutional requirement above referred to we deem it clear that the construction indicated is
1825 proper. Indeed, it is our opinion that as to any property having a definite and established *situs* within the State, the *onus* is on the person objecting to its assessment to point out some reason compelling the conclusion that the legislature has not subjected the property to taxation.

Having held that the *situs* of the "Ohio notes" was in Indiana, rather than Ohio, it must needs follow that the mere fact that they were sent out of the State each year to avoid having them here on assessment day can make no difference. The statute cannot be thus avoided. Dundee Co. v. School District, 19 Fed. 368; Savings, etc., Society v. Multonmah Co. 169 U. S. 421; Connecticut Co. v. Town of Monroe, — N. H. —, 52 Atl. 942; Webb v. John Hancock etc. Co. 69 N. E. 1006; Voss v. Town of Waterloo, 71 N. E. 208. It is the substantial possession to which the law looks, and that posses-

sion is not impaired by a mere temporary transfer. Powell v. State, 21 Ind. 340.

Appellant's counsel further contend that the act of 1891 would be invalid as discriminating against non-residents, if it were held that provision had been made by said act for the assessment of notes held as these notes were, since section 4 of said act (§ 8411 Burns 1901) contains an exemption in favor of residents, by the provision that for the purposes of taxation personal property shall be held to include "all goods, chattels and effects belonging to inhabitants of this State situate without this State, except the property actually and permanently invested in business in another State shall not be included." This provision was not designed to give an advantage to residents of this State by way of avoiding taxation, but it merely represents an act of comity, by which this State yields in a measure its taxing power over the owner, to avoid double taxation, in a class of cases where in all probability the other State is taxing the business or the property invested therein. To give appellant a standing to complain, assuming that said section could in any circumstances offend against the provisions on which his counsel rely, it occurs to us that he ought to show that his decedent's property was liable to taxation elsewhere. But it is not because the owner of said notes was a non-resident that our minds incline to the conclusion that the notes were subject to assessment in Indiana, but because the notes had a *situs* here. How our statute thus construed could be held to be discriminative as against a non-
1826 resident we are at a loss to understand. This State has merely created an exemption in favor of its own citizens from the burdens of taxation here on a class of property having its permanent *situs* elsewhere. Just such an exemption, we are led to infer, was created in favor of decedent and those in like situation by the laws of the State of New York. In other words, by said section this State has released its citizens from a burden at home based on the theory that they would be subjected to taxation elsewhere, and the same right which we recognize as existing in another State to tax the property of our citizens if it is permanently located therein is the right which this State asserts against non-residents who establish the *situs* of their property here. This is not discrimination but perfect fairness.

Finally, counsel for appellant urge that as the property against which the assessment was sought to be levied had come to him as a legatee, in trust, to carry out certain provisions of the decedent's will, there is no statutory authority for assessing him on account of property omitted by the decedent in his life time. The complaint by appellant and his co-trustee to enjoin the enforcement of said assessment which was under review in Buck v. Miller, 147 Ind. 587, contained full averments as to the nature of the securities held by said trustees and as to the manner in which they obtained title thereto. There was an unequivocal holding in that case that the auditor had authority to levy an assessment on omitted property in

such circumstances and that taxes so assessed were a lien upon all of the property of the estate within the county. We entertain no doubt, therefore, that said rulings, whether right or wrong, have become the law of the case, and they are therefore binding upon the parties during all subsequent stages of the controversy. We find no error.

Judgment affirmed.

1827 And afterwards, to-wit: on December 10, 1904, comes the appellant, by counsel, and files his petition and brief (8) for a rehearing herein.

And afterwards, to-wit: on December 15, 1904, comes the appellant, by counsel, and files his argument (8) in support of said petition for rehearing.

And afterwards, to-wit: on December 29, 1904, the court being fully advised in the premises, overrules the petition for a rehearing heretofore filed herein by the appellant in the above entitled cause.

It is therefore considered by the court that the judgment of the court below in the above entitled cause, be in all things affirmed at the cost of the appellant.

And it is further considered and adjudged by the court that the appellee recover of the appellant the sum of $—, for his costs and charges in this behalf expended.

1828 And afterwards, to-wit: on the 13th day of January, 1905, the same being the 41st judicial day of the November term 1904 of said supreme court, the following further pleas and proceedings were had herein:

Comes now the appellant, by counsel, and files in the office of the clerk of the supreme court, his petition in the Supreme Court of the United States, for the allowance of a writ of error, said petition and the allowance thereof by William R. Day, associate justice of said Supreme Court of the United States, being hereto next below attached, and being in the words and figures following:

1829 In the Supreme Court of Indiana.

JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased, Appellant,
v.
WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, Appellee.

To any justice of the Supreme Court of the United States or to the chief justice of the supreme court of Indiana:

James Buck, trustee under the will of Job M. Nash, deceased, petitioner, respectfully shows that on the fourteenth day of January,

1897, the predecessor in office as treasurer of Tippecanoe county, Indiana, of the said William E. Beach, filed in the Tippecanoe circuit court his petition of complaint against this petitioner wherein he alleged:

That he was the treasurer of said Tippecanoe county; that one Job M. Nash died testate in 1893 and his will was probated in Ohio; that William A. Goodman of Ohio and John R. Coffroth of Indiana were appointed executors of said will and acted as such until the death of said Coffroth; that said Goodman and this petitioner were appointed trustees under said will, by which two hundred and sixty-eight thousand dollars were given to them to invest and to pay the net income to persons named in the will, the trust to cease on the death of certain persons; that
1830 said Goodman and petitioner accepted the trust; that said executors delivered to said trustees in 1894, two hundred and sixty-eight thousand dollars, consisting of moneys, notes secured by mortgage, and other securities as such trust fund; that the trust fund is still and always has been kept in the hands of petitioner in the city of Lafayette, Tippecanoe county, Indiana, and has been by him collected and managed; that there are unpaid taxes on the duplicate of Tippecanoe county against the estate of said Nash on personal property which he omitted to return for taxation for the years 1881 to 1893, both inclusive; that the assessment of such taxes was made after notice to said executors and said trustees, and after the auditor had heard evidence as to the property and had made a finding of the items of the same and the value thereof; that the taxes assessed with interest and penalties amounted to one hundred fifteen thousand, one hundred and fifty dollars and sixty-nine cents ($115,150.69), and are wholly unpaid; and that Goodman as the surviving executor and as trustee has been actively resisting the collection thereof; that the executors removed the personal property of the estate from Indiana except that which had been transferred to the trust and which is still under the control of petitioner; and that plaintiff, said treasurer, is unable to find any other personal property in Indiana on which to levy for the collection of said taxes; that the trustees commenced an action against one Miller, predecessor in office of the plaintiff as treasurer of said county, in the Tippecanoe circuit court, to enjoin him from collecting; that a demurrer was filed to the complaint for want
1831 of facts sustained; a final judgment was rendered on said ruling in said circuit court and the trustees appealed to the supreme court where on the 26th day of December, 1896, the judgment was affirmed and a petition for rehearing filed by said trustees was overruled May 13th, 1897; the opinion and judgment of the supreme court is made a part of the complaint; that defendant Buck, this petitioner, then had in his hands the securities then taken and held in said trust as aforesaid and that as he is changing the trust property by re-investments from time to time, and plaintiff cannot state the items of the trust property; that the persons interested

in said trust property are threatening to remove it from the State of Indiana and avoid the payment of said taxes, and will do so unless restrained by the court; that the plaintiff has demanded of the defendant payment of the taxes and the same was refused.

Thereupon plaintiff demanded so much of the trust property as would be necessary to satisfy the same for the purpose of levy & sale to pay said taxes, and the same was refused; that said property is kept locked up where it cannot be discovered or reached by plaintiff to levy on, and defendant has refused to produce or discover the same.

Prayer for an injunction restraining defendant from removing the trust property from Tippecanoe county until said taxes are paid; for an order against said defendant requiring him to discover and turn over to plaintiff so much of the trust property as may be necessary to be sold by plaintiff to pay said taxes.

That said case was by change of venue transferred for trial to the Warren circuit court.

1832 To this petition or complaint a demurrer was filed for want of facts and for other causes by petitioner, and, this demurrer being overruled, various answers and a counterclaim were filed, the contents of which it is unnecessary to state because before going into trial the parties in open court entered into the following agreement:

"It is agreed in open court by and between the parties to this cause that the court, in the judgment and decree to be rendered herein, may find, fix, and adjudge what, if any, of the property, on which the tax in controversy herein was levied, was subject to taxation for each of the years in controversy, and what, if any, portion of the said assessment is a valid assessment; also the amount, if any, of said taxes due the plaintiff herein; also what, if any, portion of said assessment is invalid and void, and that the court in such decree may adjudge the payment of any portion of said assessment so found and adjudged to be due, and may cancel and enjoin the collection of any portion of said assessment so found and adjudged to be invalid, and said action of the court shall be taken and held to be within the issues in said cause, and this agreement shall not be controlling on the parties for any other purpose."

Under this agreement a trial was had before the court without a jury. The following is a synopsis of the facts developed upon and the result of that trial:

"The facts show that Nash was a resident of and domiciled in New York continuously from 188– until July 19, 1893, when he died, testate, and this was so found in both the trial court

1833 and the supreme court of Indiana, and that during a period of more than twenty years prior to his death, he continuously loaned, collected and reloaned money at interest in Cincinnati, Ohio, by an agent resident in that city; that notes were given by the borrowers for the loans dated and payable to Nash in Cincinnati where the agent kept them, and to whom, in all instances all payments of

principal and interest due on them, were made, and the money so received was deposited in bank to Nash's credit, and kept in Cincinnati, and no part of it was ever sent to Indiana.

During the same period of time Nash was loaning, collecting and reloaning money at interest at Lafayette, Indiana, by an agent resident at that place. Notes were given for these loans at Lafayette where they were payable to the order of Nash.

In 1883, or 1884, Nash was desirous of having means of verification of the collections made by his Cincinnati agent; and he had for that purpose the Cincinnati agent send the Ohio notes to the Lafayette agent, to make a memorandum of them, so that the Ohio agent's reports could be verified at any time by Nash when he was in Indiana. The Ohio agent sent the Ohio notes to the Indiana agent for that purpose, as directed by Nash, and the Ohio agent requested the Indiana agent to return any of them to him, the month next before the month in which any of them became due, for collection. The Indiana agent made a memorandum of the notes as received, in a register, and kept the notes in a locked safe in Lafayette
while they were in Indiana and transmitted any of these Ohio
1834 notes to the Ohio agent for collection during the months preceding the month they matured. The notes, in all instances, were sent either by mail or by express. This was the manner of sending, receiving and keeping the Ohio notes in Indiana until Nash's death, except shortly before the first day of April of each of the years 1887, 1888, 1889, 1890, 1891, 1892 and 1893, all the Ohio notes in Indiana were returned in bulk to the Ohio agent by the Indiana agent, and they were kept by the Ohio agent in Cincinnati until a few days after the first day of April of each of said years, when they were returned in bulk to the Indiana agent at Lafayette; and afterwards they were returned to Cincinnati from time to time for collection, as stated above. On Nash's death, all the Ohio notes in Indiana were transmitted, in August, 1893, to one of Nash's executors at Cincinnati, where he resided, and they were never, at any time thereafter in Indiana. Nash's will was probated in the probate court in Hamilton county, Ohio, and his estate was administered in and by said court. The will appointed two executors, one a resident of Ohio and the other of Indiana; a trust was created by the will, and two trustees of it were named, one a resident of Ohio, and the other a resident of Indiana,—the appellant in this appeal. The executors and the trustees were appointed and qualified in and by said probate court in Hamilton county, Ohio, August 1, 1893, and afterwards, in January, 1894, said executors paid and delivered to said trustees in Cincinnati, money and securities of the par value of money, to constitute the fund of said trust. That the said trustees divided said
trust fund in Cincinnati, for the convenience of administra-
1835 tion, and one part was kept in Ohio under the management of the trustee resident therein, and the other part was brought to Indiana, for the management and administration there by the appellant, trustee resident in the State last aforesaid. There was no

other administration in any other State or country of said Nash's estate.

The auditor of Tippecanoe county, Indiana, after giving notice to the executors, to one in Ohio and the other in Indiana, and to James Buck, said trustee in Indiana, placed and assessed on the tax duplicate of said county, said Ohio and Indiana notes, and bonds for taxes, for the years 1881 to 1893, both inclusive, on the ground that Nash had omitted to return them for taxation for each of said years in said county. The said trustees commenced an action in the Tippecanoe circuit court, August 11, 1895, against Miller, treasurer of said county to restrain the collection of the taxes, because Nash was a non-resident of the State, and the property of Nash in Indiana had all been returned assessed for taxes, and all taxes paid thereon, and that the Ohio notes covered by said assessment, were not liable for taxation in Indiana. The complaint was held bad on demurrer, and an appeal was taken to the supreme court of Indiana.

No averment was contained in that complaint as to where bonds or Ohio notes were kept, nor whether they had or had not been kept in and used in business in Indiana, by Nash or his agent. The Indiana supreme court held that if they had been kept and used in business in Indiana, they would be liable to taxation, and since the auditor's assessment was *prima facie* valid, in the absence of
1836 such a showing, the supreme court presumed that the Ohio notes and bonds were kept and used in business in Indiana, and so affirmed the case.

The present case was commenced by the treasurer of Tippecanoe county, to compel the appellant, one of said trustees, resident in Indiana, to discover the assets of the trust in his hands, and to deliver sufficient of them, to the treasurer to pay the taxes so assessed. The appellant's pleading set up and the evidence showed that all taxes on the Indiana notes, and all other property of Nash in Indiana had been assessed for taxes and all taxes thereon had been paid; that the said bonds were never in Indiana; that the Ohio notes were in Indiana only for safety and convenience, and were never used at any time in any business in Indiana; that none of them were ever sold, transferred, assigned or pledged and that the taxes on the same were assessed and paid in Ohio. The case was tried by the Warren circuit court, and it was found, adjudged and decreed for the appellant, except as to the Ohio notes, which it found, adjudged and decreed were lawfully assessed by said auditor, and that the assessment of taxes thereon by him made were lawful, and that the trust property in the hands of the trustee, Buck, residing in Indiana, was liable to pay the same, and he was directed and adjudged by the court to pay said taxes on said Ohio notes aggregating thirty-six thousand three hundred and fifty seven dollars and seventy one cents, as found and decreed by the court within a certain period, and upon failure or refusal so to do, that he deliver of the assets of said trust in his
1837 hands to the treasurer of Tippecanoe county, sufficient to satisfy said taxes. And appellant appealed."

The trial court made a finding of facts in detail but as such finding was not technically required by the parties, it has been treated only as a general finding and hence is not here and now referred to.

This petitioner filed the proper motion for a new trial which was overruled and proper exceptions taken to reserve the errors.

In the pleadings and in the argument in the trial court and in the arguments, briefs and pleadings in the supreme court of Indiana, this petitioner claimed and specially set up his claim that said taxation was and is in violation of his rights and the rights of his said testator, Job M. Nash, under section two of article four of the Constitution of the United States, known as the "privileges and immunities" section; and also in violation of section one of article fourteen of the Constitution of the United States, as taking the property of said testator and of this petitioner without due process of law, and also depriving them and each of them of the equal protection of the law; and was also in violation of section four of the ordinance of 1787 providing for the government of the territory northwest of the river Ohio in its provisions for equal taxation among the residents of different States; and also in violation of section 1977 of the Revised Statutes providing for like equal taxation.

The case being appealed to the supreme court of Indiana the judgment of the lower court was affirmed on the 13th day of October, 1904, and afterward on the 29th day of December, 1904, a petition for rehearing filed by this petitioner was overruled.

1838 Upon the trial in the court below this petitioner insisted that the Ohio notes, (that is, the notes given for loans made in Ohio and secured by mortgages on property in Ohio), were not taxable in Indiana, because the owner of them was a non-resident of Indiana, and the notes themselves had at no time been used or invested in any business in Indiana but were used and invested in business in Ohio; nor had they arisen out of any business or investment in Indiana, and that the finding of the court therefore was contrary to law.

And it was further, both in the trial court and in the supreme court, insisted that under section four of the act of 1891 and 1895, (see Acts of 1891, page 199), which reads as follows:

"SEC. 4. For the purpose of taxation real property shall include all lands * * * personal property shall include all goods and chattels within this State * * * belonging to inhabitants of this State * * * all goods, chattels and effects belonging to an inhabitant in this State situate without this State, except the property actually and permanently invested in business in another State, shall not be included."

Such taxation of said notes was a violation of the "privileges and immunities" clause of the Federal Constitution, (article 4, section 2,) as denying to said Nash, a resident and citizen of New York, an immunity from taxation accorded to citizens inhabitants of Indiana; and also a violation of the rights of this petitioner guaranteed by section one of the fourteenth amendment of the Consti-

tution of the United States, in that they deprived him and
1839 said testator of the equal protection of the laws, and took his property without due process of law and such taxation was also in violation of article four of the ordinance for the government of the United States territory northwest of the river Ohio dated July 13, 1787 which provides for the equal taxation of residents and non-residents, and *and* also in violation of section 1977 of the Revised Statutes of the United States providing for like equal taxation. That such violations of his rights under said clauses of the Federal Constitution, ordinance and statute, were duly assigned for error by this petitioner in the supreme court of Indiana and were ruled adversely to this petitioner; that is, the decision of said supreme court was against the title, right, privileges and immunities specially set up and claimed by this petitioner in said suit, by reason of said Constitution, ordinance and statute.

And this petitioner refers to the record of said cause, in said court, for further and more complete statements of the rulings and proceedings complained of, and the facts that specially set up and claimed said rights, privileges and immunities under said provisions of the Constitution of the United States, said ordinance and statute, and the manner in which such claims were set up and made; and petitioner avers that in said proceedings in said cause he specially set up and claimed said title, rights, privileges and immunities under the said Constitution, ordinance and statute, that is, under said clauses of said Constitution, said ordinance and the statute of the United States; and the decision of said circuit court and said supreme court of Indiana were against said titles, rights, privileges and immunities.

1840 And petitioner refers to the assignment of errors filed herewith and prays that the same may be considered for the purposes of this application and as a part hereof, and further prays that a writ of error may be allowed and issued herein to said supreme court of Indiana, which now has the record in said cause for the removal of said cause to the Supreme Court of the United States, to the end that the errors in said judgment and the proceedings in said cause may be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, and that the transcript of the record, proceedings and papers in said cause, duly authenticated, may be sent to said Supreme Court.

And your petitioner will ever pray etc.

BYRON W. LANGDON,
W. H. H. MILLER,
Attorneys for Petitioner.

Allowed this 12th day of January, 1905.

WILLIAM R. DAY,
Associate Justice, U. S. Supreme Court.

1840½ [Endorsed:] No. —. Indiana supreme court. James Buck, trustee under the will of Job M. Nash, deceased, appellant, vs. William E. Beach, treasurer of Tippecanoe county, Indiana, appellee. Petition for writ of error. Filed Jan. 13 1905 R. A. Brown clerk. B. W. Langdon Miller, Elam & Fesler Indianapolis. attorneys for petitioner.

1841 And on the same day the following further pleas and proceedings were had in said court, in said cause:

Comes now the appellant, by counsel, and files a writ of error from the supreme court of the United States, to the said supreme court of Indiana, in this cause, said writ of error being hereto next below attached, and being in the words and figures following:

1842 UNITED STATES OF AMERICA, *ss*:

[Seal of the Supreme Court of the United States.]

The President of the United States of America to the honorable the judges of the supreme court of the State of Indiana, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court before you, or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between James Buck, trustee under the will of Job M. Nash, deceased, appellant, and William E. Beach, treasurer of Tippecanoe county, Indiana, appellee, wherein was drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision was against their validity; or wherein was drawn in question the validity of a statute of, or an authority exercised under, said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity; or wherein was drawn in question the construction of a clause of the Constitution,
1843 or of a treaty, or statute of, or commission held under the United States, and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission; a manifest error hath happened to the great damage of the said appellant as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same in the said Supreme Court at Washington, within 30 days from the date hereof, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that

error, what of right, and according to the laws and customs of the United States, should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the 12th day of January, in the year of our Lord one thousand nine hundred and five.

JAMES H. McKENNEY,
Clerk of the Supreme Court of the United States.

Allowed by

WILLIAM R. DAY,
Associate Justice of the Supreme
Court of the United States.

[Endorsed:] Filed Jan. 13 1905 R. A. Brown clerk.

1844 And on the same day the following further pleas and proceedings were had in said court, in said cause:

Comes now the appellant, by counsel, and files a copy of his bond on appeal to the Supreme Court of the United States, in the penal sum of fifty thousand dollars ($50,000.00), which bond is taken and approved, being hereto next below attached, and being in the words and figures following:

1845 In the Supreme Court of Indiana.

JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased,
Appellant,
v.
WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana,
Appellee.

Know all men by these presents, that we, James Buck, trustee under the will of Job M. Nash, deceased, as principal, and the American Bonding Company of Baltimore, Maryland, as surety, are held and firmly bound unto William E. Beach, treasurer of Tippecanoe county, Indiana, in the full and just sum of fifty thousand dollars ($50,000.00), to be paid to the said William E. Beach, treasurer, as aforesaid, his assigns and successors in office, for which payment well and truly to be made, we bind ourselves, and each of us, and each of our heirs, administrators, trustees, assigns, receivers and successors jointly and severally by these presents.

Sealed with our seals and dated this fifth day of January, 1905.

Whereas, lately at a term of the supreme court of Indiana in a suit pending in said court between the said James Buck, trustee under the will of Job M. Nash, deceased, appellant, and the said William E. Beach, treasurer of Tippecanoe county, Indiana, as appellee, a judgment and decree was rendered in and by said court against the same James Buck as aforesaid, affirming the judgment

theretofore entered in the Warren circuit court in said cause
1846 requiring said Buck, trustee, to pay said judgment with interest and costs; and

Whereas, the said James Buck, trustee as aforesaid, has obtained a writ of error from the Supreme Court of the United States and filed a copy thereof in the clerk's office in the supreme court of Indiana to reverse the judgment and decree in the aforesaid cause;

Now, therefore, the condition of this obligation is that if the above named James Buck, plaintiff in error, shall prosecute his said writ of error to effect and shall answer ro all costs and damages that may be adjudged or awarded against him if he shall fail to make good his plea, then this obligation to be void; otherwise in full force.

JAMES BUCK, Trustee.
AMERICAN BONDING COMPANY
OF BALTIMORE,
[SEAL.] By WILLIAM E. BARTON,
Attorney in Fact.

Approved Jan'y 12, 1905,
WILLIAM R. DAY,
Associate Justice U. S. Supreme Court.

1847 STATE OF INDIANA, } ss:
Marion County, }

Before me, Mabel C. Van Deman, a notary public, in and for said county, this 5th day of January, 1905, personally came William E. Barton, of Indianapolis, Indiana, and known to me to be the attorney-in-fact of the American Bonding Company of Baltimore, Maryland, and acknowledged the execution of the within bond for said company as surety thereon.

Witness my hand and notarial seal, this 5th day of January, 1905.

MABEL C. VAN DEMAN,
[SEAL.] Notary Public.

My commission expires March 22, 1908.

1848 And on the same day, the following further pleas and proceedings were had in said court, in said cause:

Comes now the appellant, by counsel, and files his citation on said writ of error, duly signed by Honorable William R. Day, associate justice of the Supreme Court of the United States, and proof of service of the citation on the defendant in error, said citation and proof of service thereof being hereto next below attached, and being in the words and figures following:

1849 UNITED STATES OF AMERICA, *ss:*

To William E. Beach, treasurer of Tippecanoe county, Indiana, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days from the date hereof, pursuant to a writ of error, filed in the clerk's office of the supreme court of the State of Indiana, wherein James Buck, trustee under the will of Job M. Nash, deceased, is plaintiff in error and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable William R. Day, associate justice of the Supreme Court of the United States, this 12th day of January, in the year of our Lord one thousand nine hundred and five.

WILLIAM R. DAY,
Associate Justice of the Supreme Court
of the United States.

Filed Jan. 16, 1905. R. A. BROWN, Clerk.

1849½ On this 14th day of January, in the year of our Lord one thousand nine hundred and five, personally appeared Richard N. Kumler before me, the subscriber, and makes oath that he delivered a true copy of the within citation to William E. Beach, treasurer of Tippecanoe county, Indiana.

RICHARD N. KUMLER.

Sworn to and subscribed the 14th day of January, A. D. 1905.

[Seal of Frederick O. Evans, Notary Public, Indiana.]

FREDERICK O. EVANS, Notary Public.

My commission expires May 6, 1905.

Filed Jan. 16, 1905. R. A. BROWN, Clerk.

1850 And on the same day, the following further pleas and proceedings were had in said court, in said cause:

Comes now the appellant, by counsel, and files an assignment of errors in the Supreme Court of the United States, on the writ of error herein, said assignment of errors being hereto next below attached, and being in the words and figures following:—

1851 In the Supreme Court of the United States.

JAMES BUCK, Trustee under the Will of Job M. Nash, Deceased, Plaintiff in Error,
v.
WILLIAM E. BEACH, Treasurer of Tippecanoe County, Indiana, Defendant in Error.

The plaintiff in error, James Buck, trustee under the will of Job M. Nash, deceased, comes and says there is manifest error in the record, proceedings, and judgment in this case, to-wit:

The trial court, being the Warren circuit court of the State of Indiana, erred in overruling the motion of this plaintiff in error, James Buck, trustee for a new trial, and in rendering the judgment and decree against him, as shown in said record; and the supreme court of Indiana erred in affirming the action of said trial court in the premises and in affirming the judgment and decree in said cause for the following reasons:

First. Because it appears in the evidence in said cause that at the time said taxes, for which said judgment was rendered, accrued, said testator, Job M. Nash, was at all times a resident and citizen of New York; that said items of property so taxed, being the Ohio notes and nothing else, were never used or invested in any business
1852 in Indiana, nor had they arisen out of any business or investment in Indiana but were actually and permanently invested in business in Ohio during all of said time and were never in Indiana during any part of said time except at times for safe keeping and convenience; and, therefore

(*a.*) The assessment and the attempt to collect said taxes on said property was and is in violation of the "privileges and immunities" clause of the Constitution of the United States, being section two of article four of said Constitution, in that it denied to a resident and citizen of New York an immunity from taxation allowed to an inhabitant and citizen of Indiana under like conditions.

(*b.*) It is also a violation of the rights of the plaintiff in error under section one of article fourteen of said Constitution of the United States, in that it takes, or attempts to take, the property of plaintiff in error and his said testator without due process of law in that it is an attempt to assess, levy and collect taxes on property not subject to taxation in the State of Indiana.

(*c.*) And it is a violation of the same section one of article fourteen in that it denies to the said plaintiff in error and his said testator the equal protection of the laws and gives to an inhabitant, resident and citizen of Indiana an immunity from taxation denied to an inhabitant, resident and citizen of New York.

(*d.*) In that it violates the provisions of the fourth section
1853 of the ordinance of 1787 providing for the government of the territory northwest of the River Ohio which provides for the equal taxation of all property within said territory.

(*e.*) In that it is a violation of section 1977 of the Revised Statutes of the United States which in like manner provides for the full and equal benefit of all laws and proceedings for the security of property and requires that all property shall be subject only to like taxes and exactions of every kind.

Wherefore plaintiff in error prays that said judgment and decree of the supreme court of Indiana and of said Warren circuit court be in all things reversed and for such further proceedings in the premises as may be consonant with law and good conscience.

JAMES BUCK,
Trustee of a Trust Created by Will of Job M. Nash,
By BYRON W. LANGDON,
W. H. H. MILLER, His Attorneys.

1853½ [Endorsed:] No.—. United States Supreme Court. James Buck, trustee under the will of Job M. Nash, deceased, plaintiff in error, vs. William E. Beach, treasurer of Tippecanoe county, Indiana, defendant in error. Assignment of errors. Filed Jan. 13 1905 R. A. Brown clerk. B. W. Langdon, Miller, Elam & Fesler, Indianapolis, attorneys for plaintiff in error.

1854 STATE OF INDIANA, }
Supreme Court. }

I, Robert A. Brown, clerk of the supreme court of the State of Indiana, certify the above and foregoing to be a true and complete transcript of the record of proceedings had, papers filed (except briefs), motions decided, rulings made, opinions delivered, judgments rendered, and all decrees and orders entered in the supreme court of Indiana, in cause number 20,105, entitled James Buck, trustee under the will of Job M. Nash, deceased, vs. William E. Beach, treasurer of Tippecanoe county, Indiana; also the original petition for the allowance of a writ of error, and the original writ of error from the Supreme Court of the United States to the supreme court of the State of Indiana, with the allowance thereof; the original citation to the defendant in error, and proof of service thereof; a copy of the original bond and its approval by an associate justice of the Supreme Court of the United States, and the original assignment of errors in the Supreme Court of the United States on said writ of error.

Which said transcript, annexed hereto, together with the said original petition for the allowance of a writ of error, said original writ of error, original citation, copy of the original bond, and
1855 original assignment of errors, I hereby certify as and for my full return to said writ of error.

In witness whereof, I hereto set my hand, and affix the seal of said supreme court, at the city of Indianapolis, Indiana, this 8th day of February, A. D. 1905.

[Seal Supreme Court, State of Indiana, MDCCCXVI.]

ROBERT A. BROWN,
Clerk Supreme Court of Indiana.

Endorsed on cover: File No. 19,631. Indiana supreme court. Term No. 179. James Buck, trustee under the will of Job M. Nash, deceased, plaintiff in error, vs. William E. Beach, treasurer of Tippecanoe county, Indiana. Filed February 15", 1905. File No. 19,631.

FILE COPY.

FILED
APR 21 1906
JAMES H. McKENNEY,
Clerk.

Supreme Court of the United States.

OCTOBER TERM, 1905.

No. [redacted]14

JAMES BUCK, TRUSTEE UNDER THE WILL OF JOB M. NASH, DECEASED, *Plaintiff in Error,*

v.

WILLIAM E. BEACH, TREASURER OF TIPPECANOE COUNTY, INDIANA, *In Error to the Supreme Court of the State of Indiana.*

W. H. H. MILLER,
Of Counsel.

BYRON W. LANGDON,
Attorney for Plaintiff in Error.

THE HOLLENBECK PRESS, INDIANAPOLIS

Supreme Court of the United States.

OCTOBER TERM, 1905.

No. 179.

JAMES BUCK, TRUSTEE UNDER THE WILL OF JOB M. NASH, DECEASED, *Plaintiff in Error,*

v.

WILLIAM E. BEACH, TREASURER OF TIPPECANOE COUNTY, INDIANA, *In Error to the Supreme Court of the State of Indiana.*

I.

PLEADINGS.

This case is here on a writ of error to the Supreme Court of the State of Indiana to review its decision affirming the judgment of the Circuit Court of Warren county sustaining an assessment of taxes made by the auditor of Tippecanoe county, in that state.

The predecessor in office of the defendant in error as treasurer of Tippecanoe county in 1897 brought the action set out in the record against the plaintiff in error

in the Circuit Court of Tippecanoe county to enforce the payment of taxes; the venue was changed to the Warren Circuit Court, where the case was tried and determined.

The complaint sets up that there were unpaid taxes on the tax duplicates of Tippecanoe county against the estate of Job M. Nash, assessed in 1894 on personal property of Nash, that he had omitted to return for taxation during the years 1881 to 1893, both inclusive. That Nash's will had been probated in Ohio where the executors were qualified, and that they had failed to pay the taxes. That by the terms of the will a trust was created and the trust fund was given to James Buck, the plaintiff in error, of Lafayette, Indiana, and William A. Goodman, of Ohio, to invest and pay the net income to certain persons; that the trustees received the trust fund which was in the hands of Buck, in Lafayette, and by him invested according to the will.

That the trustees in August, 1895, filed their complaint in the Tippecanoe Circuit Court to restrain the treasurer of that county from the collection of the taxes; that a demurrer was filed to that complaint and sustained; that they appealed to the Supreme Court, where the judgment was affirmed; that the executors had removed the personal property of the estate of Nash from the state of Indiana, except the property of the trust, which was the only property the treasurer was able to find on which to levy to pay the taxes. That Buck, as trustee, had in his hands $268,000.00, and the treasurer had requested him to pay the taxes and that he had refused, and then demanded trust property to levy on for that purpose and the said trustee also refused. The prayer was for a disclosure by the trustee of the trust property and delivery of sufficient amount thereof to the treasurer to be by him disposed of to pay the taxes.

It is only necessary to particularly notice the counter-claim of the plaintiff in error. Rec., pages 57, 95.

It averred that Nash died testate July 19, 1893, and was at his death, and had been continuously for more than fifteen years before, a citizen of and domiciled in the state of New York; the probate of his will, the appointment of and qualification of his executors, the creation of a trust fund vested in the plaintiff in error, of Lafayette, Indiana, and William A. Goodman, of Ohio, their qualification, the property of the trust fund and the term of the trust.

That all the real estate, chattels or tangible personal property of which Nash had been the owner in Indiana, had been duly returned for taxes in Tippecanoe county, that all taxes were paid, that the estate of Nash in Indiana had been returned and assessed and the taxes paid, that the trust fund or property of the trust in Indiana had been assessed and all taxes thereon had been paid.

That the auditor of Tippecanoe county, on May 7, 1895, placed on the tax duplicate and assessed the property which it was claimed Nash had owned and omitted to return for taxation during each of the years 1881 to 1893, inclusive, and set out their value. That the property consisted exclusively of stocks, bonds, promissory notes and mortgages securing them. That all the notes and mortgages assessed were either executed by citizens of Ohio or Indiana; those made in Ohio were payable in and secured by mortgage on lands in Ohio, and those made in Indiana were payable in Indiana and were secured by mortgages on lands in that state, and for convenience the notes made in Ohio are called Ohio notes and those made in Indiana are called Indiana notes, and the said bonds and stocks were called foreign bonds and stocks, and had been issued by corporations organized under the laws of other states than Indiana and were

payable in Cincinnati, Ohio, where they had been kept, that none of them had ever been in Indiana or used in any business in that state.

That the Ohio notes, bonds and stocks had been assessed for taxation in Ohio and no taxes remained unpaid thereon in that state; that Ohio notes, which had been in Indiana, had been kept there for safety and convenience, and not otherwise, and they had not been, nor had any of them at any time ever been transferred, pledged, assigned or used in whole or in part in any form or manner in any business whatever, in Indiana, during the life of Nash; that all payments on account of interest or principal, of any of the Ohio notes, had been made in Ohio, and all money so paid, on account of principal or interest, had been deposited and kept in the state of Ohio, and no part thereof had been transmitted to Indiana. That Nash became the owner of all of the Ohio notes, foreign bonds and stocks in the state of Ohio, by purchase, or the loan or the investment of his money in the state of Ohio and in no instance in the state of Indiana.

The averments show that certain Ohio notes had not been in Indiana for all of said years. That the Indiana notes during the years 1881 to 1893, both inclusive, had been returned for taxation in Tippecanoe county and all taxes there had been paid, with certain exceptions, and that the taxes, interest and penalties thereon were tendered, and the tender was brought into court. That the trustee had in his possession in Tippecanoe county a portion of said trust property, that the said treasurer had the duplicate for collection, and would collect said alleged taxes out of the same unless restrained.

That the making of said assessment by said auditor was done by virtue of the power created by the state of Indiana by statute, entitled "An act concerning taxation,

repealing all laws in conflict therewith, and declaring an emergency." Approved March 6, 1891. That the said treasurer and auditor were officers of the state of Indiana and authorized to assess property for taxation in Tippecanoe county for the use of said state and county and place and assess property for taxation on the tax duplicates and the treasurer was empowered to collect the same; and the auditor in assessing said taxes and placing them on the duplicate acted in behalf of the state of Indiana, and the treasurer in enforcing the payment of them was likewise acting for said state; that there was no statute of Indiana authorizing the auditor or treasurer to subject the said trust property to the payment of assessed taxes.

That the collection of the taxes out of the trust property by the state of Indiana would be a taking of that property without due process of law and would deny the trustee the equal protection of the laws in violation of the 14th article of the constitution of the United States.

The prayer was for judgment declaring the assessment illegal as against the trustee and his trust property and its vacation, and that the treasurer and his successor in office be enjoined from enforcing the collection of the taxes against the trustee and the trust property.

There was a general denial to the counterclaim.

II.

Facts.

The facts in evidence are not in controversy and show that Job M. Nash, the payee was a resident citizen of New York during all the time in question; that from 1865 to his death in July, 1893, he had uninterruptedly loaned, collected and re-loaned and invested his money

in Cincinnati, Hamilton county, Ohio, through his sole agent in Ohio, who was a resident of that state. That the borrowers were resident citizens of Ohio and made their promissory notes, dated and payable in Cincinnati, Ohio, to Nash, secured by mortgages on lands exclusively in Hamilton county, Ohio; these notes are known throughout the records as Ohio notes; all renewals of any of these notes and all payments on account thereof were made with and to his agent in Cincinnati, where all moneys so paid were deposited in bank in Cincinnati to the credit of Nash, and no part thereof was sent to Indiana.

In 1868 Nash commenced loaning money through brokers in Lafayette, Tippecanoe county, Indiana. In 1879 he had, in course of his loaning business, acquired some real estate in that state and appointed an agent there to take care of it; in 1879 to 1886 he was engaged in winding up his Indiana affairs through this agent, and for that purpose he, in 1882, secured an office room for the transaction of this business, although in this interval a few loans were made. In 1886 this agent's power was enlarged to loaning and collecting and re-loaning Nash's money at Lafayette and he was his sole agent in Indiana, and remained such until Nash's death. The Indiana loans were made in Lafayette and were evidenced by notes of the borrowers, who were citizens of Indiana, secured by mortgages on lands wholly in Indiana, and were made payable to Nash, and all collections on account thereof were deposited in a bank to the payee's credit. These notes were known in the records as Indiana notes.

Prior to the winter of 1883-4 no Ohio notes had at any time been in Indiana, but Ohio notes were in Indiana during a portion of each of the years from the winter of 1883-4 to July 19, 1893, inclusive. Shortly before the Ohio notes were sent to Indiana from Ohio

Nash was desirous of knowing if his Ohio agent was crediting him in his Cincinnati bank account with all collections of the Ohio notes; for this purpose he directed the Ohio agent to transmit to the Indiana agent a memorandum of, or the Ohio notes themselves, so that the Indiana agent could make a memorandum of them in a book or register in Lafayette, to enable the Indiana agent to know and inform Nash if Nash's Cincinnati pass book showed all collections which were due on Ohio notes. Accordingly, in the winter of 1883-4, and thereafter until Nash's death, from time to time the Ohio agent sent Ohio notes to the Indiana agent, with instructions to return to him every month such of them as became due in the following month; and thereafter the Indiana agent returned such Ohio notes to the Cincinnati agent as directed, from month to month, for payment or renewal, and at any other time returned said Ohio notes when directed by said Ohio agent. Whenever Ohio notes were received from or returned to the Ohio agent by the Indiana agent, and whenever payment or renewals of such notes were reported by the Ohio agent to the Indiana agent he made entries of the facts in the register kept by him, and whenever they were received they were placed by the Indiana agent in a safe in his office, to which he alone had access, and there they always remained until taken out for transmission to Ohio. No person ever had possession or custody of any of the Ohio notes in Indiana, except said Indiana agent and the postal or express agents for the purpose of transmission as stated.

None of the Ohio notes were in Indiana April 1st, of any of the years 1887 to 1893, inclusive. During the years 1881 to 1893, inclusive, the statute of Indiana fixed the first day of April of each year as the day for assessment for taxes on all property taxable in the state.

Some time before April 1, 1887, Nash directed his Indiana agent to send to him at Cincinnati, in care of his Ohio agent or banker, all Ohio notes in Indiana some time before the first day of April. In obedience to this order the Indiana agent sent to Cincinnati, Ohio, all the Ohio notes in Indiana to the address of Nash, as directed, a short time before the first day of April of each of the years 1887 to 1893, both inclusive. A short time after the first of April of each of those years the Ohio notes sent to Nash the month before were returned to the Indiana agent at Lafayette, when they were again placed in the safe. Memoranda were made in the register of the facts of the transmission, or the return of them, and thereafter they were kept and treated in the way hereinbefore described.

All Ohio notes and Indiana notes were sent to Ohio in August, 1893, after Nash's death.

Nash died testate, his will was probated in Cincinnati; by it a trust was created of which his Ohio agent, William A. Goodman, of Cincinnati, and James Buck, his Indiana agent, of Lafayette, plaintiff in error, qualified as trustees. The trust fund consisted of Ohio and Indiana notes and bonds, in all $268,000.00. The trustees apportioned the trust fund between them for convenience of administration, and Buck transferred one portion to Lafayette for that purpose.

In May, 1895, the auditor of Tippecanoe county placed and assessed on the tax duplicate for each of the years 1881 to 1893, both inclusive, personal property of the aggregate value of more than $7,000,000.00, as omitted property of Nash, in the name of Nash's estate, his executors and Buck, trustee, consisting exclusively of the Ohio notes and Indiana notes, dated, made payable as before stated, and bonds made by foreign corporations which had never been in Indiana. The assessment was

the par value of each dollar of the principal of each of them. The treasurer had custody of the duplicate for collection.

On the issue joined and agreement of parties as to the scope of the issues there was a trial by the court and a finding and judgment for the defendant in error over a motion for a new trial, in the sum of $36,257.71 on the assessment of certain of the Ohio notes; and a finding and judgment for the plaintiff in error setting aside the assessment on the foreign bonds and Indiana notes, and ordering the plaintiff in error to pay the judgment in sixty days or deliver to the defendant in error sufficient trust funds to satisfy the same.

The only reason for a new trial necessary to notice here was that the finding and decision was contrary to law.

An appeal was taken to the Supreme Court of Indiana, where the assignment of error relied upon was, that the court below erred in overruling the motion for a new trial and the judgment was affirmed.

The case is here on a writ of error to the Supreme Court of Indiana.

III.

THE ASSIGNMENT OF ERRORS RELIED ON.

(Transcript, p. 1078, etc.)

The trial court, being the Warren Circuit Court of the state of Indiana, erred in overruling the motion of the plaintiff in error, James Buck, trustee, for a new trial, and in rendering the judgment and decree against him, as is shown in said record; and the Supreme Court of Indiana erred in affirming the judgment and decree in said cause for the following reasons:

First. Because it appears in the evidence in said cause

that all the time said taxes, for which said judgment was rendered, accrued, said testator, Job M. Nash, was at all times a resident and citizen of New York; that said items of property so taxed, being the Ohio notes and nothing else, were never used or invested in any business in Indiana, nor had they arisen out of any business or investment in Indiana, but were actually and permanently invested in business in Ohio during all of said time, and were never in Indiana during any part of said time except at times for safe-keeping and convenience; and therefore

(b) It is also a violation of the rights of the plaintiff in error, under section one of article fourteen of said constitution of the United States, in that it takes, or attempts to take, the property of plaintiff in error, and his said testator without due process of law in that it is an attempt to assess, levy and collect taxes on property not subject to taxation in the state of Indiana.

(c) And it is a violation of the same section one of article fourteen in that it denies to the said plaintiff in error and his said testator the equal protection of the laws, and gives to an inhabitant, resident and citizen of Indiana, an immunity from taxation denied to an inhabitant, resident and citizen of New York.

IV.

ARGUMENT.

FEDERAL QUESTIONS.

The counterclaim of the plaintiff in error specially set up and claimed that the taxes were assessed under the provisions of the statute of Indiana entitled "An act concerning taxation, repealing all laws in conflict there-

with and declaring an emergency," approved March 6, 1891, and charged that the auditor was authorized to place and assess on his tax duplicate taxable property which had been omitted therefrom, and the county treasurer was authorized to enforce the collection of the taxes.

That in making the assessment of the taxes in question, the auditor and the treasurer, the defendant in error, in enforcing their collection, were acting for the state of Indiana; that there was no statute of Indiana authorizing them to subject the trust property of the plaintiff in error to payment of the taxes; that the collection of them out of the trust property was a taking of the trust property without due process of law, and denied the plaintiff in error the equal protection of the laws, contrary to the fourteenth article of the constitution of the United States.

Rec., pp. 94, 95.

The grounds of the federal questions are:

First. That the physical presence of the Ohio notes in Indiana did not constitute taxable property there, because they were given and payable in another state by non-residents to a non-resident, for loans made in Ohio, where they were paid, and had never been used in business in Indiana.

Second. That all of the Ohio notes, covered by the assessment for each of the years 1887 to 1893, both inclusive, were in Ohio on the first day of April of each of those years, and since by the statute of Indiana taxes were only assessable on personal property owned, or held, possessed or controlled on the first day of April of each year; that the assessment for all of these years, amounting to $32,954.98 of the total assessment of $36,257.71, was void, because the payee and makers of the notes were non-residents, the notes themselves and the owing

or debt property were without the state of Indiana, and thus there was no person or thing whatever within the power or jurisdiction of Indiana to tax.

Third. The statute of the state of Indiana concerning taxation expressly excluded from taxable personal property the property of an inhabitant actually and permanently invested in business in another state; that the assessment of taxes on the Ohio notes was a taxation of the personal property of Nash invested in an actual and permanent business in Ohio, and the decision of the Supreme Court of Indiana, that the assessment and collection of the taxes were valid, was a denial of the equal protection of the laws, and deprives the plaintiff in error of his trust property without due process of law.

ARGUMENT ON MERITS.

The presence of the Ohio notes in Indiana did not constitute taxable property in that state.

The powers of taxation of a state are uncontrollable except as restrained by the provisions of the federal constitution.

McCullough v. *State of Maryland*, 4 Wheaton 316, 418, 428, 429.

These powers can only be exercised over persons, property and business within the jurisdiction of the state.

State Tax on Foreign-Held Bonds, 15 Wall. 300, 319;

Dewey v. *Des Moines*, 173 U. S. 193, 204;

Louisville & J. Ferry Co. v. *Kentucky*, 188 U. S. 385, 396, 397, 398.

The powers of taxation are solely vested in the law-making department of the state.

Section 1, Article 10, Constitution of Indiana, Revised Statute of 1881.

There must be statutory warrant for taxation.

New Orleans v. *Stempel*, 175 U. S. 309, 312.

There was no statute of Indiana concerning the taxation of the transfer of property by death or otherwise; or, the taxing of title papers or written instruments themselves, apart and distinguished from the property interests or rights to which they related, or by which they were evidenced; or, on account of the business of loaning, collecting, reloaning or investment of money in the state.

The important parts of the tax laws of Indiana, in force when the assessment was made, are these:

Sec. 1. "The general assembly shall provide, by law, for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law."

Sec. 1 of Art. 10, Constitution of Indiana, Revised Stat. of 1881, pp. 28, 29.

Sec. 1. "Be it enacted by the general assembly of the state of Indiana, that all taxes for the support of the government of this state shall be assessed on polls and on property listed and valued in an equal and ratable proportion (except such stocks and other property as may be specifically taxed) in the following manner, namely: The amount necessary and proper to be charged on each poll and on each hundred dollars' worth of property, for state expenditures and for school purposes, shall, from time to time, be fixed by law; and the amount to be charged

on each poll and on each one hundred dollars' worth of property for county expenditures shall be determined by the board of county commissioners at their annual meeting in September."

Sec. 3. "All property within the jurisdiction of this state, not expressly exempted, shall be subject to taxation."

Acts of 1891, p. 199.

Sec. 4. "For the purpose of taxation, real property shall include all lands within the state and all buildings and fixtures thereon and appurtenances thereto, excepting in cases otherwise expressly provided by law; personal property shall include all goods and chattels within the state, all ships, boats and vessels belonging to inhabitants of this state, whether at home or abroad, and their appurtenances; all goods, chattels and effects belonging to inhabitants of this state, situate without this state, except the property actually and permanently invested in business in another state shall not be included; all indebtedness due to inhabitants of this state above the amounts respectively owed by them, whether such indebtedness is due from individuals or corporations, public or private, and whether such debtors reside within or without the state; all shares in corporations organized under the laws of this state, when the property of such corporation is not exempt or is not taxable to the corporation itself; all shares in banks organized in this state under any law of the United States, but in estimating the value of such shares deduction shall be made of the value of all real estate taxed to the bank, all shares in foreign corporations except national banks, owned by inhabitants of this state; all moneys; all circulating notes of national bank associations and United States legal tender notes and other notes and certificates of the United States, payable on demand, and circulating or intended to circulate as currency; all annuities and royalties; all interests owned by individuals in lands, the fee of which is in this state or in the United States, except as hereinafter provided. Property exempted from taxation by the laws of the

United States shall not be included. Shares in corporations, all the property of which is taxable to the corporation itself, shall not be assessed to the shareholders. Lands sold by the state, including lands forfeited to the sinking funds, the university funds and all other trust funds, though not granted or conveyed, shall be assessed in the same manner as if actually conveyed. All lands reserved to or for any individual by any treaty between the United States and any Indian tribe or nation shall be liable to taxation from the time such treaty shall have been confirmed."

Acts of 1895, p. 22.

"On the first day of April of each year, or as soon thereafter as practicable, and before the first day of June, the assessor shall call upon each person required by this act to be assessed, and furnish him or her with the proper blanks for the purpose, and thereupon such person shall make to such assessor a full and correct description of all personal property, of which such person was the owner on the first day of April of the current year, and such person shall, also, at the same time, make separate, full and true statements in like manner, in writing, distinctly setting forth in each a correct description of all personal property held, possessed or controlled by him as executor, administrator, guardian, trustee, receiver partner, agent, attorney, president or accounting officer of a corporation, consignee, pawnbroker, or in any representative or fiduciary capacity, and he shall fix what he deems the true cash value thereof to each item of property for the guidance of such assessor, who shall determine and settle the value of each item, after examination of such statement, and also an examination under oath of the party or of any other person, if he deems it necessary. In determining and settling such valuation, he shall be governed by what is the true cash value, such being the market or usual selling price at the place where the property shall be at the time of its liability to assessment, and if there be no market value, then the actual value.

"In making the valuation, annuities and royalties shall be valued at their present cash value. For the purpose

of making such statements, the person to be assessed shall receive the proper blanks from the assessor."

Sec. 48, Acts of 1895, pp. 210, 211.

"The constitution requires that property, wealth, substantial value shall be taxed, not imaginary values."

Florer v. *Sheridan*, 137 Ind. 28, 42.

Such property must not only be within the terms of the tax law, but also in the case of a non-resident it must be within the territorial limits of the taxing state.

The ascertainment of the domicile of Nash and the borrower of the money, the properties created by or arising out of the contract of Nash and the borrower, and their localities and the effect, if any, of the execution of the Ohio notes, and their location, will determine the question, whether the assessment was on any taxable property in Indiana, and also whether the taxing of the trust property would be without due process of law.

The following important facts and conclusions from facts on both sides of the case are correct, we believe:

1. That from January 1, 1881, until his death, July 19, 1893, the testator, Job. M. Nash, was continuously a resident and inhabitant of, and domiciled in the city, county and state of New York. Rec., p. 134 and p. 1055.

2. That during the same period Nash was continuously engaged in the business of loaning, collecting, reloaning and investing his money in Cincinnati, Hamilton county, Ohio, by his agent, resident of that place. Rec., p. 1055 and p. 155.

3. That the borrowers of the money so loaned were citizens and inhabitants of Cincinnati, and they severally made and delivered their promissory notes, secured by mortgages, on lands wholly located in Hamilton county, to Nash, dated and payable to him in Cincinnati. Rec., pp. 154, 155, 652, 658 and 697.

4. That all these notes were paid, and the money so paid, during Nash's lifetime, was deposited to his credit and kept in Cincinnati. Rec., pp. 157, 158, 1[illegible] and 1003.

5. That Nash had an agent in Lafayette, Indiana, during the year 1883 and thereafter until his death, to take care of his lands in Indiana, and to loan, collect and reloan his money in that state, and for that purpose he rented an office room for the use of the agent.

6. That by Nash's direction the Ohio notes and mortgages were sent by the Ohio agent to the Indiana agent before the first day of April, in the year of 1884, and from time to time thereafter during the following years until his death, and by like direction the Indiana agent was to make memoranda of their contents in a book to be kept by him and return monthly any of them falling due in the following month to the Ohio agent for collection, who was to notify the Indiana agent if they were paid, and if any of them were renewed, to send them back to the Indiana agent, who was to make notes of these facts in the book, and that the agents executed these orders.

That all transmissions of the notes and mortgages were by mail or express, and while the notes, etc., were in Lafayette they were kept by the Indiana agent in a locked safe in his office, and no one else had any access to them, and no one had possession of any of them in Indiana except the Indiana agent and the postal and express agents for transmission, and that this was all that was done with the Ohio notes or mortgages in Indiana.

7. That no Ohio note or mortgage had ever been sold, assigned, transferred or pledged, nor had any of them ever been used in any business in Indiana.

8. That the Ohio notes and mortgages in Indiana, at the time of the death of Nash, were sent to Cincinnati to his executor.

THE CONSEQUENCE OF THIS GROUP OF FACTS IS:

1. That Nash had no taxable property in Indiana.

(a) *The properties of the lender and their situs.*

When Nash loaned his money to the borrowers he had the moral and legal right to have it back, and no one else had, because no one else loaned it.

This right was a legal personal attribute of Nash, and thus it was impalpable to any of our senses and so intangible, and therefore, incapable of occupying any other place than in his person, and, consequently, it must have been wherever he might have been, and its permanent *situs* must have been where his permanent abode was, and at his domicil in New York.

So the acts of the parties in lending and borrowing and the law, and no other things, created this right. This right being thus independent of and apart from any other facts, the making of memoranda or notes of the transaction, or of any part of it, were immaterial things to the creation or existence of the right.

In Story on Conflict of Laws it is said, in section 399, that "a debt is not a *corpus* capable of a local position, but purely a *jus incorporale*," and in section 362 "that contracts respecting personal property and debts are now universally treated as having no *situs* or locality, and they follow the person of the owner in point of right, although the remedy on them must be according to the law of the place where they are sought to be enforced."

This right to have his money back was taxable property, in the legal sense of the word, because it was itself convertible into money or valuable things by its owner, and its *situs* being in New York, and within the power of that state, it was taxable there if the tax laws thereof had included it.

Kirtland v. *Hotchkiss*, 100 U. S. 491.

It was without the jurisdiction of Indiana, and, therefore, not taxable there.

(b) *The equitable interest of Nash in the property of the borrowers and its situs.*

When Nash loaned his money, he invested it with the borrowers and it became a part of their property in Ohio, and having a right to a return of an equivalent out of this property, the borrowers were under a corresponding obligation to make such return to Nash, and to that extent they were also under obligation to own and hold their property in good faith, subject to such equitable right or interest of Nash. The borrowers were, in a limited degree, in equity the trustees of this property for Nash, who could have, in certain circumstances, interfered to preserve it, or have it sequestered, or a sufficient portion of it, under well-understood conditions, could have been seized to satisfy his right or the claim of his creditors, and it was taxable as his property in the state where it was, if the tax statutes thereof defined it as such, as the cases hereafter cited show. Its *situs* was at the place of the investment or at the domicil of the debtor in Ohio, and not being in Indiana, it was not taxable property there.

(c) *The obligations of the borrowers of Nash's money were to return it to him, and they were personal to them, because no one else received the loans, and also on account of their express promise to pay.*

These promises or obligations being inseparable from the borrowers, they were intangible and were where the borrowers were, and their permanent *siti* were at the domicil of the borrowers in Ohio. The *situs* of the mortgaged lands was likewise in Ohio, and, therefore, not taxable in Indiana.

Thus it appears that only two taxable properties were acquired by Nash, his chose in action and the equitable interest or security in the property owned by the borrower, the owing property owed to him.

(d) *The Ohio notes being only payable to Nash, they themselves, as they were, were not taxable property.*

The notes were not the loaned or borrowed money, not the owing money or property; nor the right of action of Nash; nor the obligation of the note makers; nor could they have changed the location of either of them or the domicils of the payee or payors, because they were fixed alone by other and antecedent facts and the law; nor did they create the right of action or the obligations, because they were created solely by the consequence of the acts of the parties in borrowing and lending and by the law; nor could they have given or taken away any value to the debtor-creditor property, because its value was adjusted by its nature, location and the desire of purchasers to have it; nor did they themselves have any intrinsic worth or value in money or as evidence, because their value or usefulness depended on the extraneous facts of the existence of the owing property available for the satisfaction of the debt owned by Nash, or, in other words, on the solvency or insolvency of the note makers, and, in case of their solvency, they were worthless for any purpose and nobody would have wanted them, or would have had them.

The right of action of Nash could have been transferred independently of the debtors, and while they remained in Indiana, in New York by a court of competent jurisdiction for good cause, or by Nash by his voluntary act, and a recovery could have been maintained on the actual contract, evidenced in part by the notes, while they were in Indiana or had been destroyed, and so, their existence or

whereabouts, or custody, were not the controlling and essential things, because they were merely evidence of them that could have been supplied by other evidence.

They could not have determined the forum in which to recover the owing property, because that was fixed by the facts of the residence of the debtors or the *situs* of the owing property.

The Ohio laws were, the Indiana laws were not, a part of them and the remedies to enforce the obligations to Nash would have been in Ohio, so, while they were in Indiana, there was no power in that state to enforce the transfer of Nash's right of action or the payment of the debt, because the creditors, debtors and owing property were in other states or jurisdictions. An actual seizure and sale of the notes, on any pretense in any procedure in Indiana, could not have involved any taxable property of Nash, and would have been futile.

The soundness of this position is sustained and is well illustrated in the case of *Owen* v. *Miller,* 10 Ohio Stat. 136, a case approved by this court in *Wyman* v. *Halstead,* 109 U. S. 654 and 656.

It appeared that the plaintiff Owen, being the owner of a farm in Ohio, where he was a resident, sold and conveyed it to a resident also of that state. The vendee executed his promissory notes payable to the order of the vendor, and secured them by a mortgage on the land sold, and thereupon the vendor removed to New Jersey to live, and took with him the notes and mortgage. Some time after he became indebted in New Jersey and then removed from that state, leaving, however, the purchase money notes and mortgage there. His creditors then commenced attachment proceedings against him in New Jersey as an absconding debtor, and the notes were seized and sold. There was no process served on the absconding debtor, except by publication of notice.

The transferee of the sold notes sold and delivered them to the vendee, who gave his notes secured by a mortgage on the farm to him. The holder of the last notes foreclosed his mortgage, the farm was sold and conveyed to Miller, the defendant. Afterward Owen brought his suit to recover the farm on the ground that his mortgage had become absolute and he was entitled to its possession, and that the New Jersey sale had not divested him of his property.

It was a question whether or not the sale of the notes was a sale of the plaintiff's property created by the contract, evidenced by the notes. The court said:

"It is a fundamental principle that no man is to be deprived of his property without his consent or by due process of law. To constitute due process of law, and make it effectual to change the title to property, there must be jurisdiction over the person of the owner, or over his property. We are brought, then, to the simple question whether the promissory notes given for a debt, being in New Jersey, and the makers of the notes, or the debtors, residing in Ohio, the property was in New Jersey or in Ohio? In substance, there is a sum of money in the hands of one man to which another has title or claim, and the evidence of that title or claim is a promise in writing to pay the money. Upon principle, it would seem clear that the subject-matter to which the title or claim relates is the property, and not the evidence showing the title or claim. This question has arisen in cases involving the jurisdiction to grant administration or letters testamentary. Of all such cases it has been said: 'As to the locality of many descriptions of effects, household and movable goods, for instance, there never could be any dispute; but to prevent conflicting jurisdictions between different ordinaries, with respect to choses in action and title to property, it was established as law that judgment debts were assets, for the purpose of jurisdiction, where the judgment is recorded; leases where the land lies; specialty debts where the instrument happens to be;

simple contract debts where the debtor resides at the time of the testator's death; and it was also decided that, as bills of exchange and promissory notes do not alter the nature of the simple contract debts, but are merely evidence of title, the debts due on these instruments were assets where the debtor lived, and not where the instrument was found.' *Attorney-General* v. *Bowens*, 4 M. & W. 171-191. The payee of a promissory note has a property vested in him, but it is in action, not in possession. 2 Bla. Com. 468. It consists in the contract of the maker, and this contract has been said to differ from other contracts in two important particulars: *First*, it is assignable, whereas a chose in action at common law is not; and, *second*, the instrument itself gives a right of action, for it is presumed to be given for value, and no value need be alleged as a consideration for it. *Foster* v. *Dawber*, 6 Exch. 839, 853. This difference may lead to the idea that there is property in the evidence of the contract; but really the contract constitutes the property —it is property in action. The thing in action has peculiarities which distinguish it from other things in action, but it is still, in law, a thing in action. The effect of a seizure of a note under process of law can gain no force from the rules of the commercial law, which rules are only intended to regulate the right of parties depending upon their voluntary acts and agreements. A seizure of a note payable to bearer, or indorsed in blank, would not constitute the officer an indorsee or holder in the commercial sense of those terms. The officer would hold under the statute giving him the authority to seize, and not by contract. He would have the rights which that statute gave, and not those of an indorsee, or holder, in the usual course of business. It might happen that a subsequent holder of a note payable to bearer, or indorsed in blank, seized by an officer and put in circulation, would have the right to enforce its payment. But it would be upon the same principle that a note of like description, lost or stolen, might be a valid claim in the hands of an innocent holder. No such principle applies in this case. The notes were payable to order, and not indorsed by the payee, but were assigned by a writing on the notes in such a way as

to show clearly the origin of the title. In accordance with these views, we feel bound to come to the conclusion that the proceedings in attachment in New Jersey have not divested the plaintiff of the right to recover the debt due to him from a resident in this state, and secured by a mortgage upon the property in this state." (143, 144, 145.)

(e) *The Ohio notes had not been assigned or transferred, and being payable to Nash they were not taxable property in Indiana, because they had no value capable of being estimated in money.*

Taxes on property in Indiana are only imposed on property having a computable value in money, according to its market value, if any, and if not, its actual value at the place of taxation in the state. (Section 1, article 10 of the constitution of Indiana, and section 48 of the tax laws of that state heretofore in this brief set out.)

As said before, there was no Indiana statute taxing instruments of writing themselves, apart from the rights or interest to which they related or by which they are evidenced.

Nash being a non-resident, his right of action had its *situs* at his domicil in New York, the *situs* of the property owing him was where the investment of his money was made or at the domicil of his debtors in Ohio; and so both of these properties were without the jurisdiction of Indiana and were not taxable there.

The inquiry, then, is reduced simply to the taxability of the physical elements of the notes themselves. If they were in the hands of any holder, untransferred by Nash, he could not have collected the principal or interest evidenced by them, because they belonged to Nash, a fact which the notes showed, and, therefore, they would have been worthless to such holder, and without any value for

any purpose to him or any one in the world except Nash, either as evidence or otherwise.

While the state of Indiana might have forcibly seized the possession of them or might have transferred their possession to another, still that state could not have, by any exercise of its powers in any form or for any purpose, transferred to itself nor validated a transfer of them to another, so as to divest Nash of his right to receive or collect his owing property in Ohio, because he, the debtors and the owing properties were without its jurisdiction, and such transferee would, at most, only have had evidence that those properties belonged to Nash.

It is clear, it seems, that the notes themselves, as they were, had no taxable value.

The amount of the assessment was the sum of all the dollars mentioned on the face of the notes and was manifestly on purely imaginary property in Indiana, and therefore void. Rec., p. 696.

It might to be true that the notes were concrete as evidence, but to infer or say that they were concrete and thereby tangible taxable property is simply a delusive and perverted use of language in a case embracing only the facts and law applicable thereto, as in the principal one, and denotes a want of sufficient recognition of the taxable properties, which were created by the contracts, and the proper function and value of the note as mere evidence.

Calling fanciful or imaginary property actual property will not alter the facts, or make that taxable property which is not essentially such.

Statutes and cases show that there are only two taxable properties in a case of a note or bond.

They are the right of the payee to have his money returned, and the owing money or property; that the first is only taxable at the domicil of the payee, and the

second, in case the payee is a non-resident of the state where the debt property is.

The first proposition is illustrated by the case of *Kirtland* v. *Hotchkiss*, 100 U. S. 491.

There was a suit by Kirtland, a resident citizen of Connecticut, to restrain the collection of taxes assessed in that state on his ownership of a bond, which was made and payable to him in Illinois, where it was. The taxes were held valid. The Connecticut statute provided that personal property within or without the state, including money, credits, choses in action, bonds, notes, stocks and notes, being the property of any person resident in the state, should be valued and assessed at its just and true value, in the tax list of the town where the owner resided.

The court said:

"Plainly, therefore, our only duty is to inquire whether the constitution prohibits a state from taxing in the hands of one of its resident citizens a debt held by him upon a resident of another state, and evidenced by the bond of the debtor, secured by deed of trust or mortgage upon real estate situated in the state in which the debtor resides."

"The question does not seem to us to be very difficult of solution. The creditor, it is conceded, is a permanent resident within the jurisdiction of the state imposing the tax. The debt is property in his hands, constituting a portion of his wealth, from which he is under the highest obligation, in common with his fellow citizens of the same state, to contribute for the support of the government, whose protection he enjoys."

"That debt, although a species of intangible property, may for purposes of taxation, if not for all others, be regarded as situated at the domicil of the creditor. It is none the less property because its amount and maturity are set forth in a bond. That bond, wherever actually held or deposited, is only evidence of the debt, and if destroyed, the debt—the right to demand payment of the money loaned, with the stipulated interest—remains.

(498.) Whether the state of Connecticut shall measure the contribution which persons resident within its jurisdiction shall make, by way of taxes, in return for the protection it affords them, by the value of the credits, choses in action, bonds, or stocks which they may own (other than such as are exempted or protected from taxation under the constitution and laws of the United States), is a matter which concerns only the people of that state, with which the federal government can not rightly interfere." (499.)

(2) That the creditor has some monetary interests in the property of his debtor has been recognized by the law, as is shown by the remedies provided by it to appropriate that property for his use long before it became a taxable subject. The remedies against a debtor's property to convert it into money to be given to the creditor show, it seems, two things: that the state declares thereby that the creditor has an interest in the debtor's property and has a right to have it in possession, and that the power of the state will take, by force, enough of that property to give to the creditor as will satisfy his right or claim to it. The remedies are various and adapted to all conceivable kinds of property in whomsoever's possession or under whatever circumstances it may be; as, by judgment, execution, taxation, garnishment, proceedings supplementary to execution, by bills in equity and in cases of founding administration.

That the creditor has a substantial interest measurable in money in the debtor's property, it would seem, is a part of the common law of the land, and is a basis depended upon in the daily conduct of all public and private business affairs. It is relied upon as a private right and enforceable by the state as a security for reimbursement.

Necessarily these remedies are only available in a state having power over the owing property; and in this case

they were all in Ohio, where the debtors and property were. There was, therefore, no power in Indiana to reach the property; it had no possible available remedies for that purpose.

In *Blake* v. *Williams*, 6 Pick. 285, 314, a citizen of Massachusetts drew a bill of exchange upon a banker in England, who paid it and had not been reimbursed; the banker was declared a bankrupt and there was an assignment of his effects. The plaintiff, also a citizen of Massachusetts, was a creditor of the bankrupt and summoned the drawer of the bill as trustee. The agent of the assignee in bankruptcy had demanded payment of the drawee. The question was whether the drawer was liable to the plaintiff.

The court said in the course of its opinion:

"But the relation of debtor and creditor, and the rights of the latter over the effects of the former, are distinct objects of jurisprudence within the control of the legislative power of the country where the property is. This power is absolute and uncontrollable; it may be unreasonably exercised, but still it is legal, if so willed by a sovereign independent power, for the dominion is here."

In *Bragg* v. *Gaynor and others*, — Wis. —; 21 L. R. A. 161, 166, there was a bill to collect a judgment against Gaynor, a non-resident, out of a sum of money due him from the resident and appealing defendants. The notes and mortgages evidencing the debt were in Illinois.

The court said:

"For all such purposes, these debts would have been regarded as property in this state, and subject to the jurisdiction of its courts, although both Gaynor and Witherwax were non-residents. Such result would not

have been considered in conflict with the general rule that the *situs* of personal property is, for many purposes, such as taxation, succession and distribution, regarded as having its locality at the domicil of the owner. By force of statute law, as well as public policy declared thereby and in the decisions of the courts, the *situs* or place where these debts are considered to be with reference to jurisdiction of our courts over them for the purpose of subjecting them to the satisfaction of debts due to a resident of this state from a non-resident in order to protect, do justice to, and satisfy creditors resident here, is that of such resident debtor owing the same. The right to so reach and appropriate such debts for such purposes has been affirmed by numerous adjudications from the earliest period, and it is too late now to attempt to maintain the proposition that for all purposes the *situs* of debts so sought to be reached and applied is at the domicil of such non-residents. They are to be regarded, for the purposes of such proceedings, as property abiding or being in the domicil of the party owing them, and are as much subject to the jurisdiction and control of our courts as tangible property of a non-resident found within our jurisdiction. It can not be disputed that tangible property so situated could be seized and applied to the satisfaction of the debts of a non-resident; and it is equally clear, as it seems to us, that debts, things in action, as distinguished from things in possession may be subjected to the equitable jurisdiction of our courts for the same purpose. The process of garnishment operates as an attachment, and fastens on such debts a lien by which they are brought under the dominion and jurisdiction of the court.

In *Catlin* v. *The Wilcox Silver-Plate Company*, 123 Ind. 477, 483, a partnership located in Chicago owned money due it from Indiana residents. A creditor's bill was filed in Chicago, a receiver was appointed and a deed of assignment was executed by the partnership by order of court. Subsequently a creditor of the firm garnisheed, in Indiana, money owing to the partnership from a resi-

dent of that state. The receiver intervened and set up the assignment to him and claimed the right to the money. The court held that the money was actually located in Indiana and that the Illinois court had no jurisdiction over it, and said:

"While it is true, as has been remarked before, the domicil of the owner, in legal contemplation, draws to it his personal estate, wherever it may be, yet as this is so only by fiction of law, the rule is not of universal application. When, by the laws and policy of the state where the property is actually located, it is subject to the process of attachment or garnishment, at the suit of a domestic or other creditor, the fiction yields, and the actual *situs* of the property determines whether or not it should be subjected to the process of court. *Warner* v. *Jaffray, supra; Green* v. *Van Buskirk, supra.* In cases of attachment and garnishment, like those for founding administration, the *situs* of a debt is the residence of the debtor. *Wyman* v. *Halstead*, 109 U. S. 654; *Owen* v. *Miller*, 10 Ohio St. 136."

Nor were there any remedies in Indiana applicable to the circumstances of the Ohio notes, because they themselves were not deemed property in Indiana. Supposing that there had been a judgment of record in Tippecanoe county against Nash, and the only things he had in Indiana were the notes, in the custody of his Indiana agent. They could not have been seized on execution. The law provided that:

676. "There shall be three kinds of executions—one against the property of the judgment debtor, one against his person, and one for the delivery of the possession of real or personal property, or such delivery with damages for withholding the same; and executions may be issued to the sheriffs of different counties at the same time; but the plaintiff shall pay the costs upon all executions not

necessary to the collection of this judgment." Revised Statutes of 1881.

724. "Any debt or thing in action, legally or equitably assignable, may be levied upon, when given up by the defendant, and sold on execution, in the same manner as other personal property." Revised Statutes of 1881.

725. "The sheriff making the sale of any such debt or thing in action shall assign and deliver the same to the purchaser, and the assignment shall have the same effect as if made by the execution-defendant at the time of making the levy thereon, and shall be treated as so made." Revised Statutes of 1881.

The notes could not have been taken on a writ of attachment.

918. "Upon the filing of such affidavit and written undertaking, in the office of the clerk, he shall issue an order of attachment, which shall be directed and delivered to the sheriff. It shall require him to seize and take into his possession the property of the defendant in his county not exempt from execution." Revised Statutes of 1881.

921. "The sheriff shall proceed with the assistance of a disinterested and credible householder of the county, to attach the lands and tenements, goods and chattels of the defendant subject to execution, and shall, with the assistance of the householder, make an inventory and appraisement thereof, and return the same with the order." Revised Statutes of 1881.

Garnishment could not have been sustained because the debtors were in Ohio, and the notes in the possession of Nash's Indiana agent were not subject to execution, and the holder of the notes was not indebted to Nash.

931. "If, at the time an order of attachment issues, or at any time before or afterwards, the plaintiff, or other persons in his behalf, shall file with the clerk an affidavit that he has good reason to believe that any person, nam-

ing him, has property of the defendant of any description in his possession, or under his control, which the sheriff can not attach by virtue of such order; or that such person is indebted to the defendant, or has the control or agency of any property, moneys, credits or effects; or that the defendant has any shares or interest in the stock of any association or corporation,—the clerk shall issue a summons notifying such person, corporation, or association to appear at the ensuing term of the court, and answer as garnishee in the action. The summons shall be directed to the sheriff, and served and returned by him in the same manner as a summons is served and returned in other cases. When the summons issues before an attachment, the affidavit must show some one of the causes authorizing the attachment." Revised Statutes of 1881.

932. "From the day of the service of the summons the garnishee shall be accountable to the plaintiff in the action for the amount of the money, property, or credits in his hands, or due and owing from him to the defendant." Revised Statutes of 1881.

938. "If the plaintiff recover judgment against the defendant, and the garnishee deliver up to the sheriff, before judgment against him, all the defendant's goods and chattels, or other effects in his possession subject to execution, or an inventory thereof, and pay to the sheriff or into court all moneys due from him or belonging to the defendant, the costs of the proceeding against the garnishee shall be paid by the defendant." Revised Statutes of 1881.

Sargeant v. *Leland*, 2 Vt. 280.

The supposed conditions presented no case to which proceedings supplementary to execution were applicable. So, the Ohio notes in Indiana were not themselves considered property, except as evidence.

If Nash had died intestate, leaving an unsatisfied judgment of record, and also the Ohio notes in the custody of his agent in Tippecanoe county, as supposed, neither the notes nor the judgment would have been assets in Indiana.

The only part of the statute of Indiana relevant to decedent's estates and pertinent here is "where, not being an inhabitant of this state, he leaves assets." Sec. 2228 Rev. Stat. 1881.

In *Wyman* v. *Halstead*, 109 U. S. 654, 656, the evidence of money due from the United States to a decedent, then late of Tennessee, was in Washington. Letters of administration had been granted in Washington and at the domicil of the deceased. There was a question as to whom of the administrators the money was to be paid. The court said:

"The general rule of law is well settled, that for the purpose of founding administration all simple contract debts are assets at the domicil of the debtor, and that the locality of such a debt for this purpose is not affected by a bill of exchange or promissory note having been given for it, because the bill or note does not alter the nature of the debt, but is merely evidence of it, and therefore the debt is assets where the debtor lives, without regard to the place where the instrument is found or payable. *Yoemans* v. *Bradshaw*, Carth. 373; S. C. Comb, 392; Holt, 42; 3 Salk, 70, 164; *Abinger, C. B., in Attorney-General* v. *Bouwens*, 4 M. & W. 171, 191; S. C. 1 Horn & Hurlstone, 319, 324; Parke, B., in *Mondel* v. Steele, 1 Dowl. (N. S.) 155, 157; *Slocum* v. *Sanford*, 2 Conn. 533; *Chapman* v. *Fish*, 6 Hill 554; *Owen* v. *Miller*, 10 Ohio St. 136; *Pinney* v. *McGregory*, 102 Mass. 186.

In *Swancy* v. *Scott*, 9 Humph. 326, 332, 333, it appeared that a judgment had been recovered in an action brought in Kentucky, where both of the parties resided. Afterward, the judgment defendant, Swancy, became domiciled in Tennessee, and the judgment plaintiff, Brown, died, and letters of administration on Brown's estate were issued in Tennessee at the place of the domicil of Swancy. Then action of debt was brought on the judgment by the administrator against the judgment defendant in Tennessee. It became a question whether the action could be sustained.

The court said:

"The general proposition, asserted in some of the books, that a judgment is assets at the place where rendered or recorded, and a bond, where it happens to be found, necessarily implies that the bond or judgment-debtor is within the jurisdiction. And thus understood, it is only true in reference to the question of the jurisdiction of the ordinary; in all other respects the proposition is not only incorrect, but likewise absurd.

"The mere paper or parchment upon which the bond is written, or judgment recorded, is nothing more in reality than the evidence of a debt, and, in the hands of the administrator, is not of itself regarded as assets. He is not chargeable with a debt due to the deceased by bond or judgment any more than with a simple contract debt, (333) unless the money due thereon has actually been received. Until the reception of the proceeds of the bond or judgment he incurs no liability to creditors or other persons in the absence of negligence or maladministration.

"The common-sense doctrine is that a judgment or specialty debt, like simple contract debts, is assets where the debtor resides; and such, indeed, for all practical purposes is the established law of this day."

The case before the court presents the anomalous condition of taxation of things which could not have been taken and turned into money by any known process of the state, and if there had been a remedy by which they could have been seized and sold the sale would not have been productive of anything of value and would have been void by the law of Ohio, where the owing property was.

Owen v. *Miller*, cited above.

Statutes and authorities concerning taxation in cases of money loaned by and owing to a non-resident.

When a lender of his money places it in another state than that of his domicil he puts it within its territorial

boundaries, and, therefore, under the dominion of that state. Although the loaned property is owned by the borrower it is, nevertheless, owed to the lender and, thereby, the latter has an interest in the debtor's property to the extent of his loan; and this interest is of such definite and substantial nature, by force of law, as to constitute taxable property in the state where the money is invested, independent of any other fact there done or possible to be done by the borrower or lender, so long as the loan is outstanding. This particular sort of property is the only basis, and not, therefore, the evidence of it, which supports taxation in cases of loans made by non-residents.

The taxing state having the power to tax such property, because it is within its jurisdiction, it may do so or not at its pleasure, and therefore it can prescribe when or in what circumstances or conditions it may be taxed, as, that it may be taxed when it is shown by some written obligation or concrete evidence, or that it has arisen out of a course of business done in the taxing state, and may be assessed under the head or name of the note or other evidence of the investment, or that it may be taxed when secured by a mortgage on real estate in the taxing state, all, in such instances, as distinguished from simple debts like book accounts.

These are incidents or collateral matters apart from the thing actually taxed. They are signs when the taxing power may be exercised over property apt for taxation; they are not necessary; they are deemed to be merely expedient to the exercise of a power which could tax owing property of any sort, as book accounts of a non-resident.

This feature was noticed in the opinion in *New Orleans* v. *Stempel*, 175 U. S. 309, 315, 316, a case of taxation of a non-resident owning property in the state of Louisiana. Mr. Justice Brewer there said:

"The last case to which our attention has been called is that of *Liverpool, etc., Insurance Company* v. *Board of Assessors,* 51 La. Ann., p. —, 25 S. 970. In that case the court reaffirmed its prior rulings that 'a debt due to a non-resident (still in non-concrete form) has its *situs* at the domicil of the creditor, and not at the domicil of the debtor,' and therefore is not subject to taxation by the State which is the latter's domicil. At the same time it observed, in its discussion of the question, that the law requiring debts to be assessed for taxation "was intended for all such debts as are evidenced by notes or by mortgage, or that are in such other concrete form as to render it possible to subject them to taxation under the present laws. No attempt has been made since the cited decisions were rendered to localize 'debts' or 'open accounts' such as those upon which the taxes are now claimed."

The use of the terms debit or credit in a too restricted sense and of expressions seeming to mean that notes are themselves the taxable property apart from the property owing to the non-residents, has led sometimes to the belief that such was the correct view, as in the case under review.

Nevertheless, the decisions in the cases upon the point show that the only ground of such taxation is the owing property of the non-resident in the taxing state, as it must be, to be valid, and thus avoid constitutional objections.

There are statutes in some states providing for a levy on and sale of notes. Such levy and sale would only be effective in case of a resident owner, because it has jurisdiction over him, his notes and rights to them; but, where the owner of the notes is a non-resident and he has no owing property, there would be a want of power and the sale would be void, and, therefore, cases of that sort are not applicable to the circumstances of the facts in the principal case.

There are also statutes providing that a resident shall be taxed on account of his right to owing property abroad or at his home; instances of this kind are likewise

inapplicable, because the taxing state has power over the resident creditor, his rights and property wherever they may be; whereas, the contrary is true as to the facts in this case.

If in matter of taxation there are any authorities turning upon the difference between sealed and unsealed instruments they are not, we believe, controlling in this case, because, the distinction between them had been long abolished by the statutes of the state of Indiana and Ohio, except where it is otherwise provided by law.

1 Giauque's Revised Statutes of Ohio, section 4, and section 450 Revised Statutes of Indiana 1881.

The following cited cases decide the point, that in case of a non-resident the money due him, in the taxing state, is the only subject of taxation, and not his paper evidence.

Catlin v. *Hull*, 21 Vt. 152 ——— (1849);

Board v. *Davenport*, 40 Ill. 197, 200, 209 (1886);

Goldgart v. *People*, 106 Ill. 25, 27, 28, 29 (1883);

In re Jefferson, 35 Minn. 215, 218, 219, 220, 221 (1886);

Fitch v. *York County*, 19 Neb. 50, 51, 54 (1886);

Savings & Loan Society v. *Multnomah County*, 169 U. S. 422, 423, 424, 425, 426, 427 (1898);

New Orleans v. *Stempel*, 175 U. S. 309, 312, 313, 316 (1899);

Bristol v. *Washington County*, 177 U. S. 133, 141, 142 (1900).

Assuming now that it has been shown that Nash, his

debtors and owing property were without the jurisdiction of the state of Indiana, and that the physical presence of the Ohio notes did not constitute taxable property in that state, the taxes assessed on them were without just foundation and are illegal, and therefore, the state of Indiana would, by enforcing the collection of them by its officers, deprive the plaintiff in error of his trust property, without due process of law, and, the decision of the Supreme Court of that state is contrary to section 1 of article xiv of the constitution of the United States and should be reversed.

2. All the Ohio notes were without the state of Indiana during the first day of April of each of the years 1887, 1888, 1889, 1890, 1891, 1892 and 1893, and the taxes assessed on them are illegal, because, by the laws of the state of Indiana, taxable personal property owned, held or controlled on the first day of April of each year was only to be listed and valued for taxation, and, therefore, that state had no jurisdiction of said notes, and having no power over Nash or his owing property, the taxes are void.

The parts of the statute of that state relevant to or bearing upon the subject are these:

"On the first day of April of each year, or as soon thereafter as practicable, and before the first day of June, the Assessor shall call upon each person required by this act to be assessed, and furnish him or her with the proper blanks for the purpose; and, thereupon, such person shall make to such Assessor a full and correct description of all the personal property of which such person was the owner on the first day of April of the current year. Such persons shall, also, at the same time, make separate, full and true statements, in like manner, in writing, distinctly setting forth in each a correct description of all the personal property held, possessed, or controlled by him as executor, administrator, guardian, trustee, receiver, partner, agent, attorney, presi-

dent or accounting officer of a corporation, consignee, pawnbroker, or in any representative or fiduciary capacity; and he shall affix what he deems the fair cash value thereof to each item of personal property, for the guidance of such Assessor, who shall determine and settle the value of each item, after examination of such statement, and, also, an examination, under oath, of the party, if he deem it necessary, or he may adopt the valuation of the party. In determining and settling such valuation, the Assessor shall be governed by what is the fair cash value, such being the market or usual selling price at the place where the property shall be at the time of its liability to assessment; and if there be no market value, then the actual value. In making the valuation, annuities and royalties shall be valued at their present cash value. For the purpose of making such statements, he shall receive the proper blanks from the Asesssor.

S. 6330, Rev. Stat. of 1881.

"On the first day of April of each year, or as soon thereafter as practicable, and before the first day of June the Assessor shall call upon each person required by this act to be assessed, and furnish him or her with the proper blanks for the purpose, and thereupon such person shall make to such Assessor a full and correct description of all the personal property of which such person was the owner on the first day of April of the current year, and such person shall, also, at the same time, make separate, full and true statements in like manner, in writing, distinctly setting forth in each a correct description of all the personal property held, possessed, or controlled by him as executor, administrator, guardian, trustee, receiver, partner, agent, attorney, president or accounting officer of a corporation, consignee, pawnbroker, or in any representative or fiduciary capacity, and he shall fix what he deems the true cash value thereof to each item of property for the guidance of such Assessor, who shall determine and settle the value of each item, after examination of such statement, and also an examination under oath of the party or of any other person, if he deems it necessary. In determining and settling such valuation, he shall be governed by what is the true cash value, such being the market or usual selling price at the place where the property shall be at the time of its liability to assessment, and if there is no market value, then the actual value. In making the valuation, annuities and royalties shall be valued at their present cash value. For the purpose of making such statements,

the person to be assessed shall receive the proper blanks from the Assessor."

S. 48 Acts of 1891, pp. 210, 211.

Sec. 8. "Personal property shall be listed for taxation between the first day of April and the first day of June, each year, and with reference to the quantity and quality held or owned on the first day of April, in the year for which the property is required to be listed."

Sec. 9. "The person purchasing or acquiring property, whether real or personal, on the first day of April, in any year, shall be considered as the owner on that day and shall be assessed and liable for the taxes of that year."

Sec. 10. "If the person die after the first day of April, in any year, without having given in the amount of his taxables, his executor or administrator, heir at law, or other person having charge thereof, shall give in the same as though such property had been in his possession on the first day of April of such year."

Sec. 11. "All personal property shall be assessed to the owner in the township, town or city, of which he is an inhabitant on the first day of April of the year for which the assessment is made, with the following exceptions." Acts 1891, p. 201.

Sec. 20. "The personal property of persons removing from one county, township, town or city to another, between the first day of April and the first day of June, in any year, shall be listed and assessed in either place in which the owner is first called upon by the Assessor. The owner of personal property moving into this State from another State, between the first day of April and the first day of June, in any year, shall be listed for his poll and the property owned by him on the first day of April of such year, in the county, township, town or city into which he has so removed. *Provided*, That if such person has been assessed, and shall make it appear to the Assessor by the certificate of the proper authority in the place of his former residence, that he is held for tax for the current year in such former place of residence, he shall not again be assessed for such year. In case of doubt as to the proper place to assess personal property, if the doubt arises as to different townships in the county, the Auditor shall determine the place; and if the doubt arises as to different counties, the Auditor of State shall determine, such determination shall be summary and final."

S. 20, Acts of 1891, p. 204.
S. 6298 Rev. Statutes of 1881.

"Whenever, at any time during the year, any transient person shall locate in any township, city, town or village, and shall offer to sell or otherwise dispose of any books or other goods, wares or merchandise, under the name of a gift book store or any other name or designation, it shall be the duty of the proper Assessor for the time being, of the place where such person shall locate, forthwith to call upon such person and demand of him the true value in money of all his stock in trade; and in case such person shall neglect or refuse to return the same under oath within twenty-four hours after such demand, then it shall be the duty of said Assessor to determine the same as in other cases; and in either case he shall forthwith return such valuation to the Auditor of the county, who shall cause the same to be entered at once on the tax duplicate and collected immediately."

S. 31, Acts of 1891, p. 206.
S. 6314. Rev. Statutes of 1881.

The interrogatories which are and were a part of the schedule required to be made by the owner or holder of taxable personal property, for the purpose of assessment of the same for taxes:

"*Interrogatory One.* Are you or were you, on the first day of April, of the present year, the executor of the last will, or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent or attorney or banker, investing, loaning or otherwise controlling the money or other property of any other person, resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then or are now acting in such representative or fiduciary capacity, and if you were, or are now, acting under the authority of any particular court, name the court, and also state to what court you report?"

"*Interrogatory Two.* Have you, before the first day of April of the present year, either personally or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into

United States notes not taxable, commonly called "greenbacks," or bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement for the purpose of evading the payment of taxes on such property, or did you on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return or re-exchange or sell back such property for the purpose aforesaid?"

S. 49, Acts of 1891, p. 211.
S. 6331, Rev. Statutes of 1881.

The heading of the list:

"Schedule of all property held by..... of.....Township.....County, Indiana, on the first day of April, 18....."

S. 53, Acts of 1891, p. 214.
S. 53, Amended Acts of 1895, p. 26.

The affidavit to the schedule:

"STATE OF INDIANA, ... COUNTY, SS:

"I, ..., being duly sworn, say to the best of my knowledge, information and belief, the foregoing statement contains a true, full and complete list of all property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property, appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me, in all cases where I have been unable to exhibit certain classes of property to the Assessor, such property has been fully and fairly described, and its true condition and value represented. That I have in no case sought to mislead the Assessor, as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide*, debts for a consideration received and do not consist in any part in bonds, notes or obligations of any kinds given to any insurance company on account of premium or policies, nor on account of any unpaid subscriptions to any literary, scientific or charitable in-

stitution or society, nor on account of any subscription to, or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not directly or indirectly converted or exchanged any of my property temporarily, for the purpose of evading the assessment thereof for taxes, into non-taxable property or securities of any kind. I further swear that I have to the best of my knowledge and judgment valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale, and not at forced or auction sale."

"Subscribed and sworn to before me this .... day of ....., 18....

..... Assessor."

"By ..... Deputy."

Acts of 1895, pp. 28, 29.
Sec. 53, Acts of 1891, p. 217.
Sec. 6336, Rev. Statutes of 1881.

"All the property, both real and personal, situated in any county, shall be liable for the payment of all taxes, penalties, interest and costs charged to the owner thereof in such county, and no partial payment of any such taxes, penalties, interest of costs shall discharge or release any part or portion of such property until the whole is paid; which lien shall in nowise be affected or destroyed by any sale or transfer of any such personal property, and shall attach on the first day of April, annually, for the taxes of such year."

S. 173, Acts of 1891, p. 266.
S. 6447, Rev. Statutes of 1881.

"Whenever the County Auditor shall discover or receive credible information, or if he shall have reason to believe that any real or personal property has, from any cause, been omitted in whole or in part, in the assessment of any year or number of years, from the assessment book, or from the tax duplicate, he shall proceed to correct the tax duplicate and add such property thereto, with the proper valuation, and charge such property and the owner thereof with the proper amount of taxes thereon, to enable him to do which, he is invested with all the powers of Assessor under this act."

S. 142, Acts of 1891, p. 257.

These statute laws of Indiana, by so many unequivocal reiterations, make it so clear that all liability of personal property to taxation, is restricted to the first day of April, and thereby all other days are rigorously excluded for that purpose, that no argument could make it plainer.

Acts of parties and finding and judgment of trial court regarding the Ohio notes, during the years 1887 to 1893, inclusive.

Nash desired to know if his Ohio agent was crediting his bank account, kept in Cincinnati, with all the collections on the Ohio notes, and, for that purpose, in the winters of 1883-4, ordered the Ohio agent to send the Ohio notes to his Indiana agent, who was directed to make memoranda of the facts shown by these notes in a book to be kept by him and return, monthly, such of them as would fall due in the following month to the Cincinnati agent for collection, who was to notify the Indiana agent of any payments made or of any renewals, and return any renewed notes to that agent to be held by him as before and make proper memoranda of the facts in the book kept by him.

Rec., pp. 653, 654, 655, 656, 657, 878, 999, 1000, 1001, 1002, 1042.

Some time before April 1, 1887, the Indiana agent notified Nash, if, thereafter, any Ohio notes were in his custody on the first day of April, he would list them for taxation with Nash's other property. Thereupon, by Nash's direction, all Ohio notes in the keeping of the Indiana agent were sent by him some days before the first day of April of each of the years 1887 to 1893, both inclusive, to the address of Nash in Cincinnati, Ohio, where they remained until a short time after the first day of

April of each of those years, when they were again returned to the Indiana agent.

Rec., pp. 1001, 1002, 1003, 1004, 1005, 1011, and 1018 and 1027, both, inclusive.

None of the Ohio notes were returned for taxation in Indiana and they were not assessed in that state for taxes until they were included in the assessment in controversy made May 7, 1895, by the auditor of Tippecanoe county.

Rec., p. 879.

Although not material, it is not improper to state that Nash's executors paid forty to fifty thousand dollars on account of taxes on the Ohio notes in Cincinnati.

Rec., pp. 156, 157, 163.

The sum of the Ohio notes in Indiana April 1 of each of the years 1884, 1885 and 1886 was $32,229.00, $98,131.00 and $129,885.00.

Rec., pp. 1033, 1034.

The trial court found and decreed that the following amounts of the Ohio notes were liable to assessment and assessed thereon the following sum of taxes and penalties for each of the years 1884 to 1893, both inclusive.

Year.	Ohio Notes.	Taxes.
1884	$32,329.08	$446.28
1885	98,131.00	1,229.26
1886	129,885.00	1,627.19
1887	198,612.00	2,488.21
1888	241,457.00	3,249.04
1889	221,599.00	3,470.23
1890	282,524.00	5,800.78
1891	311,944.00	6,006.79
1892	369,636.00	4,930.95
1893	309,858.00	7,008.98
Total	$2,095,975.08	$36,257.71

Rec., pp. 135, 136, 138, 139.

Thus it appears that $3,302.73 taxes were assessed for the years 1884, 1885 and 1886, when the Ohio notes were in Indiana on the first of April of each of the years; and that $32,954.98 were assessed on Ohio notes in Ohio on the first day of April for each of the years 1887 to 1893, both inclusive.

Discarding from view the single exception of goods brought into the state for sale by transient persons, as shown in section 31 of the acts of 1891, quoted above, it appears that the liability of personal property to asessment for taxes was strictly limited to that which was owned or held on the first day of April of each year, and, therefore, all such property owned by resident or non-resident on any other day of the year was not a material matter and could not have been a subject of assessment except as of that day.

"Assessments are made periodically, and in many of the States every year. The customary regulation is that the assessment shall be made or completed on a certain day, or that it shall be made as of a certain day. This fixes the liability of persons and property to taxation for the year."
1 Cooley on Taxation, 3d ed., pp. 604—605.

While, however, the statute provided, if any property had been omitted from the assessment of any year or years from the assessment book or tax duplicate, the auditor should add such omitted property to the tax duplicate with the proper valuation, and charge such property and the owner thereof with the proper amount of taxes, it is manifest that the property must have been taxable on some prior first day of April, else it could not be said to have been omitted from the assessment and that since there is but one day on which property can be liable for taxation, the assessment by the auditor must

have been as of first of April of the year when it was omitted from the regular annual assessment.

The taxes assessed in this case were, therefore, assessed as of the first day of April of each of the years 1887 to 1893, inclusive, when the Ohio notes were without the boundaries of Indiana, and thereby the taxes assessed are void.

However, the Supreme Court of Indiana, while not attempting to deny the absence of the Ohio notes from that state on the first of April of those years, said they were nevertheless taxable for the reason that—

"Having held that the *situs* of the 'Ohio notes' was in Indiana, rather than Ohio, it must needs follow that the mere fact that they were sent out of the State each year to avoid having them here on assessment day can make no difference. The statute can not be thus avoided. *Dundee Co.* v. *School District* (C. C.) 19 Fed. 368; *Savings, etc., Society* v. *Multnomah County*, 169 U. S. 421, 18 Sup. Ct. 392, 42 I. Ed. 803; *Connecticut Co.* v. *Town of Munroe* (N. H.) 52 Alt. 942; *Webb* v. *John Hancock, etc. Co.* (Ind. Sup.) 69 N. E. 1006; *Voss* v. *Waterloo Water Co.* (Ind Sup.) 71 N. E. 208. It is the substantial possession to which the law looks, and this impression is not impaired by a mere temporary transfer. *Powell* v. *City of Madison*, 21 Ind. 340."

The court here has assumed as an unquestionable conclusion that the Ohio notes were *per se* taxable on the first day of April of the years in question, and determined, also, that the fact of their being in Ohio during that day made no difference.

It appears it made no reference to or examination of any of the tax laws, did not apparently regard the power of taxation exercised as dependent on legislative will, and the cited cases lend no support whatever to the point that the Ohio notes were taxable.

The cases of *Dundee Company* v. *School District*, 19

Fed. Rep. —, and *Savings & Loan Society* v. *Multnomah County*, 169 U. S. 421, questioned taxes assessed under the tax law of 1882 of Oregon.

The company and the society were non-residents of that state and had been loaning money in it to its citizens and receiving in return from them their notes secured by mortgage on land in Oregon. The notes and mortgages were assessed for taxes.

What the statute provided was concisely stated in the case in 169 U. S. 125:

"Taking all the provisions of the statute into consideration, its clear intent and effect are as follows: The personal obligation of the mortgagor to the mortgagee is not taxed at all. The mortgage and the debt secured thereby are taxed, as real estate, to the mortgagee, not beyond their real cash value, and only so far as they represent an interest in the real estate mortgaged. The debt is not taxed separately, but only together with the mortgage; and is considered as independent within the State for no other purpose than to enable the mortgagor to deduct the amount thereof from the assessment upon him, in the same manner as other indebtedness within the State is deducted. And the mortgagee, as well as the mortgagor, is entitled to have deducted from his own assessment the amount of his indebtedness within the State.

"The result is that nothing is taxed but the real estate mortgaged, the interest of the mortgagee therein being taxed to him, and the rest to the mortgagor. There is no double taxation. Nor is any such discrimination made between mortgagors and mortgagees, or between residents and non-resident mortgagees, as to deny to the latter the equal protection of the laws."

The thing taxed being the interest in lands mortgaged to the mortgagee, it was necessarily always in the state of Oregon, no question about the subject of taxation being beyond that state could arise; and the whereabouts of the notes and mortgages could not affect the taxable liability of the taxed interest, because it did not depend on those facts.

The Ohio notes were the things taxed; they were not within the jurisdiction of Indiana, neither was Nash, the debtors, or the owing property in the power of that state on the only day of the year when liability for taxation was possible. The absence of the Ohio notes, the things taxed, was material; in the cases cited the absence of the notes and mortgages, the things not taxed, was immaterial.

In the *Connecticut Val. Lumber Co.* v. *Town of Munroe* (N. H.), 52 Atl. 942, the company was a foreign corporation engaged in the manufacture of lumber at its mill in Munroe, and was doing business in that state, and was required by the statute to conform to the laws as to returns and taxation as domestic corporation. The court said:

> "The subject of taxation is 'stock in trade,' whether of merchants, shopkeepers, mechanics or tradesmen, employed in their trade or business; . . . . and, for the purpose of taxation, raw materials and manufactures of any manufactory, wood, timber, logs and lumber, manufactured or otherwise, ... shall be deemed stock in trade."

The company was taxed on its stock in trade April 1, 1901, and applied for an abatement of them on the ground that "they had no logs in their boom and no other stock in trade in Munroe April 1, 1901, nor at any time since." The court also said: "The tax is assessed, not upon the amount on hand April 1, but upon the amount employed in the trade or business, reckoned at its average value, except as bearing upon the question of the average amount employed in business, the amount on hand April 1, whether much or none at all, is immaterial, . . ."

There the things taxed were within the jurisdiction of the state of New Hampshire: the Ohio notes were not

in the jurisdiction of Indiana during the time demanded by its statute to make them taxable.

The case makes against the view of the court citing it.

The court, in *Webb* v. *John Hancock Ins. Co.* and *Voss* v. *Waterloo Water Co.*, had occasion to apply the rule that, when a statute or constitution prohibits the doing of any act, which otherwise would be lawful, the inhibition can not be successfully evaded by doing it indirectly.

The restraining law is the ground-work of the rule, they are complements of each other and the relevancy of the rule does not appear until the positive law is made known.

The Supreme Court of Indiana does not seem to rely on or refer to any statute.

There was no law of Indiana restraining the removal of the Ohio notes, nor any law making them liable to taxation on any day other than April 1, but conceding for an instant, that they were taxable property, if they were in that state on that day, it is manifest that it did make a difference that they were in the state of Ohio. The plaintiff in error invokes the statute law of Indiana on the subject, apparently; on the contrary, the court is unconsciously forcing an evasion of it.

Powell v. *Madison*, 21 Ind. 325, is cited to show that the possession of the Ohio notes by the Indiana agent made the notes taxable.

The charter of Madison fixed May as the time when personal property in it became liable for taxes, and provided that such property in the possession of an inhabitant should be assessed to him.

The applicants were pork packers in Madison and during the winters of 1861 and 1862 slaughtered, cured and packed meat of hogs of non-residents; the product was

held by the appellants subject to their order for delivery to them or shipment.

In May, 1862, the appellants were holding, in Madison, such products of non-residents subject to their order as stated, when it was assessed to the appellants for taxes; who, thereupon, sought to enjoin their collection. The court said: "But where the possession is of so permanent a character, and for so material a purpose as is involved in the slaughtering of hogs, salting and curing the meat, and holding the same until the owners ordered it shipped, or require a delivery to them, such possession, it seems to us, comes within the spirit and meaning of the law. We conclude that the property was taxable."

This tangible personal property, at the time specified by the statute to render it liable to taxation, was in Madison; this does make a difference, but does not show that the Ohio notes were liable, since they were out of the taxing jurisdiction.

Nash, being a non-resident and the absolute owner of the notes, had dominion over them; and, while owing no allegiance to the state of Indiana, he had the unquestioned right to send in and reclaim them from the jurisdiction of that state whenever it was his pleasure, and his motives for so doing are immaterial, because no immunities from or liabilities to taxation depend on them.

The Ohio notes, for the years now in question, were beyond the power of the state of Indiana, and $32,594.98 of the assessed taxes are void, and the enforcement of the payment out of the trust property would deprive the plaintiff in error of his property without due process of law.

3. The taxes assessed were assessed either on the personal right of Nash to reclaim his loaned money or on the property in Ohio owed to him, and, as both of these

properties were beyond the jurisdiction of the state of Indiana, the taxes are void.

This personal right was vested in Nash and was always with him.

Thorne v. *Watkins*, 2 Vesey, Sr., 1st ed., 35, 36;
Wilkins v. Ellett, 9 Wall. 740, 743.

Being his private property he could not have been divested of it, except by his voluntary act or by due process of law by a court of competent jurisdiction; and, therefore, a court having no jurisdiction over him could change its *situs*, because that would take it out of Nash; and being a non-resident it was never in Indiana, and thereby the taxes assessed, if any, on this right are void.

It is common knowledge that taxes assessed under the head of a note are never assessed, in fact, on the note itself, but are assessed on the value of the owing property which is applicable to its payment.

If the value of the owing property is equal to the amount named in the note, the assessment will or may be that amount; if, however, the value of the owing property only equals one-half of the amount of it the assessment will not exceed one-half of the amount of the note, and, lastly, if there is no property available or the maker is insolvent, there will be no assessment at all, and the note, although itself intact, is worthless.

Notes in practical affairs are not esteemed in and of themselves as appreciable property or desirable by any one, unless and then only so far as there is back of them money or property which, at least, can ultimately, by force of law, be appropriated to their payment.

Thus, we think, it appears that the assessment in this case, while nominally on the notes, was in reality on the owing money or property in Ohio, and, therefore, void,

and the collection of the taxes out of the trust property would deprive the plaintiff in error of his property without due process of law. *Railroad Co.* v. *Jackson*, 7 Wall. 262, 267; *Louisville & J. Ferry Co.* v. *Kentucky*, 188 U. S. 385, 396, 397, 398.

The statute of Indiana expressly excludes from the category of taxable personal property the personal property of its inhabitants "actually and permanently invested in business in another state"; Nash kept his money continuously invested in an actual and permanent business of loaning, collecting and reloaning in Cincinnati, Ohio, for a period of more than thirty years prior to his death; that the assessment of the taxes in question on the Ohio notes was, on his investment in that state, and thereby this state situate without this state, except the property in error the equal protection of the laws, and the enforcement of their collection out of the trust funds would deprive him of his property without due process of law.

We repeat, for convenience, so much of section 4 of the Acts of 1891 heretofore set out, as covers the question here presented.

"Sec. 4. For the purpose of taxation real property shall include all lands, . . . personal property shall include all goods and chattels within this state . . . belonging to inhabitants of this state . . . ; all goods, chattels and effects belonging to an inhabitant in this state situate without the state, except the property actually and permanently invested in business in another state shall not be included." Acts of 1891, p. 199.

The court said this provision "merely represents an act of comity, by which this state yields in a measure its taxing power over the owner, to avoid double taxation, in a class of cases where, in all probability, the other state is taxing the business or property invested therein. To give appellant a standing to complain, assuming that

said section could in any circumstances offend against the provisions on which his counsel rely, it occurs to us that he ought to show that his decedent's property was liable to taxation elsewhere. It is not because Nash was a non-resident that we incline to the conclusion that the notes were subject to assessment in Indiana, but because the notes had a *situs* here."

The money of Nash, before it was loaned or invested in Ohio, and the invested property after it was loaned, were, it seems to us, manifestly equivalents of the same taxable value, and when the notes were paid the investment was converted into the money again. There had never been more or less taxable property, the only difference being that Nash's rights were attached or related to separate taxable things, at one time to the *res* as dollars and at another to the *res* as invested. So when his money was invested in the thing known as an actual and permanent business in another state of loaning, collecting and reloaning, there was only a different form of an equivalent taxable property at another time; the two did not coexist.

It appears quite plain that the written evidences of the contracts made by the parties, and by which the investments were created by acts of the parties and the law, were not the investments themselves, nor did they fix the *situs* of the invested property nor the value of the invested property, and in fact disassociated from that property they would be valueless and would never have been deemed taxable subjects saving in the case under review. If we are not mistaken, then, the assessment of taxes nominally made on the Ohio notes at their face value was in truth on the amount of the invested money owing Nash, and his interest in the lands in Ohio mortgaged to him; and thus they are void, because the *situs* of the taxed

property was beyond the jurisdiction of the state of Indiana.

If an inhabitant of Indiana had conducted and maintained a business of loaning and investing his money in Ohio, as Nash did, his investments would not have been taxable because prohibited by the express words of the quoted statutes, and taxation of the notes, taken in the course of such business, would have been taxation of his investments, for the reasons above stated, and, therefore, obnoxious to the rule that whatever is prohibited to be done by positive law can not be done indirectly. If this be correct the decision of the court below affirms the assessment, and collection of the taxes, and denies the plaintiff in error the equal protection of the laws, and deprives him of his trust property without due process of law.

The court below, while not questioning that Nash's Ohio business was of the statutory description or that the taxation of his notes was taxation of his invested property, held, nevertheless, that his notes were taxable on this ground: "It occurs to us that he (plaintiff in error) ought to show his decedent's property was liable to taxation elsewhere." The court thought that liability had not been shown, and the statute, thus judicially amended, did not apply, although the proof was that Nash's executors had paid $40,000 to $50,000 in Cincinnati as taxes officially demanded there. Rec., pp. 156, 157, 158, 163.

It is probable this court will not regard the matter of liability to or payment of taxes in Ohio as material.

The court below held that as taxable property which the statute purposely obliterated from the list of taxable things in Indiana; and, in so doing, we submit the court acted beyond its lawful powers, and that this is a proper subject of review by this court.

Taxes are impossible without legislative warrant, and

the exaction of taxes without it manifestly deprives the owner of property, which is the object of it, without due process of law, and in such a case this court has declared that it will not be conclusively bound by the decision of a state court upon a question of what is due process of law. *Fallbrook Irrigation District* v. *Bradley,* 164 U. S. 111, 159.

Interpretation or construction of a statute is not permissible when its language is unequivocally plain and its intention is clear and destitute of any but one meaning; in such case the courts are bound to declare and follow implicitly the lawful fiat of the legislature.

In such case if the courts yield to any consideration that any policy or view they may have would be more expedient than that offered by the legislature and thereupon virtually amend, repeal or nullify the law, a gross abuse of power would happen, as has happened in the principal case.

The powers of government of Indiana are apportioned in three great divisions of the executive, legislative and judicial. These several powers are only exercisable by officers elected to discharge them, and the officers of each division are prohibited from taking upon themselves the performance of the functions vested in either of the departments to which they were not elected. The power of taxation being limited to the legislature, the judiciary has no part of it. Section 1, Article 10 of Constitution of Indiana, Revised Statutes 1881, p. 193.

While the courts have the undoubted power to declare tax laws void because repugnant to constitutional restraints, or interpret them when they require or admit of interpretation, they as undoubtedly overstep their powers when they read conditions or amendments in or out of a law whose intention is perfectly and clearly expressed.

"When, indeed, the language is not only plain, but

admits of but one meaning, the task of interpretation can hardly be said to arise (and 'those incidental rules which are mere aids, to be invoked when the meaning is clouded, are not to be regarded')."

"It is not allowable," says Vattel, "to interpret what has no need of interpretation. Absolute *sententia expositore non eget.* Such language best declares, without more, the intention of the law giver and is decisive of it. The legislature must be intended to mean what it has plainly expressed, and consequently there is no room for construction. (It is, therefore, only in the construction of statutes whose terms give rise to some ambiguity, or whose grammatical construction is doubtful, that courts can exercise the power of controlling the language in order to give effect to what they suppose to have been the real intention of the law-makers.) Where the words of a statute are plainly expressive of an intent, not rendered dubious by the intent, the interpretation must conform to and carry out that intent. It matters not, in such case, what the consequences may be. It has, therefore, been distinctly stated, from early times down to the present day, that judges are not to mold the language of the statutes in order to meet an alleged convenience or an alleged equity; are not to be influenced by any notions of hardships, or of what in their view is right and reasonable or is prejudicial to society; are not to alter clear words, though the legislature may not have contemplated the consequences of using them; are not to tamper with words for the purpose of giving them a construction which is 'supposed to be more consonant with justice' than their ordinary meaning. Where, by the use of clear and unequivocal language, capable of only one meaning, anything is enacted by the legislature, it must be enforced, even though it be absurd or mischievous.

If the words go beyond what was probably the intention, effect must nevertheless be given to them."

"What is called the 'policy' of the government, with reference to any particular legislation, is said to be too unstable a foundation for the construction of a statute. The clear language of a statute can be neither restrained or extended by any consideration of supposed wisdom or policy. So long as a legislative enactment violates no constitutional provision or principle it must be deemed its own sufficient and conclusive evidence of the justice, propriety and policy of its passage."

Endlich on Interpretation of Statutes, sections 4 and 5;
1 Cooley on Taxation, 3d ed. 46.

Indiana Cases.

Until this case was decided the decisions of the Supreme Court of Indiana were all that unless these notes arose out of or were used in a business in Indiana they were non-taxable in that state.

The Indiana cases prior to *Buck* v. *Beach* hold that notes of a non-resgident were only taxable in that state in case they were given for money loaned and held for renewal or collection, with a view to reloaning the money by an agent in the same state, the business being permanently in the hands of the agent, or that the notes of a non-resident were themselves used in business in that state.

In *Herron, Treasurer*, v. *Keeran*, 59 Ind. 472-476 (1877), Keeran had been an inhabitant of Indiana and had acquired notes made by citizens of that state and bonds of an Indiana municipal corporation. He then became a citizen of Iowa, leaving the notes in the hands of attor-

neys to collect, and the bonds in the safe-keeping of a bank at his former residence in Indiana. They were assessed for taxes and he brought his suit to enjoin their collection and the court awarded the injunction and said, in substance:

> The statute included the property taxed, but the statute could not be taken in its broadest sense; that the general rule was that personal property was taxable at the owner's domicil, but the rule was departed from and the chattels were taxed at the place of their permanent *situs*, and that the same departure had been taken in regard to notes and evidences of debt in the hands of the agent of the owner who resided in another State or country, which notes had been taken for money loaned, and had been held for renewal or collection, with a view of reloaning the money by the agent in the same State, the business being permanently in the hands of the agent.
>
> "But such is not the case in judgment. Here the notes and accounts in the hands of the attorneys were left with them simply for collection and remission of the moneys collected to the owner in the State of his residence; and the bonds, on the change of his residence were temporarily left for safe-keeping, not permanently to be used in this State." The case was affirmed.

In *Forsman* v. *Burns*, 68 Ind. 247 (1879), Burns had been the agent in Indiana of a foreign corporation to negotiate loans in that state, according to an understanding between them, that the corporation would loan money to citizens of Indiana upon their obligations secured by mortgages on lands, reserving the right to approve, at its office in New York, the title and security, and, if it approved of them, it retained the securities and deposited the money for the loans in New York to the account of Burns as agent of the borrowers, who, in such cases, drew the money, deducted his commission, and paid the balance to the borrowers. These loans were assessed for taxes in the name of the agent. The taxes were held illegal and the court said:

"That all debts of every kind and nature, due from persons having a domicil in this State (of Indiana) to persons not having a domicil therein, on the day named in the statute, unless in the hands of an agent doing business in this State from which such debts have sprung, have no *situs* in this State, but have a *situs* where the creditor has his domicil and are not taxable in the State of Indiana."

In *Senour, Treasurer,* v. *Ruth,* 140 Ind. 318-320 (1894), Ruth, a non-resident, had been loaning money to citizens of Indiana and received therefor the notes of the borrowers, secured by mortgages on Indiana lands. The credits were assessed for taxes. A demurrer to Ruth's complaint to enjoin was sustained. On appeal the Supreme Court said:

"In the absence of a statute subjecting such property to taxation in this State, it has been frequently held not subject to taxation, . . . The principle upon which these cases have been decided is that such property is intangible, and its *situs* is at the place of residence of the owner. . . . Counsel cite Act of 1891 (Acts of 1891, Sec. 3, Subd. 4, Sec. 11, p. 199) as subjecting the property in question to taxation in this State. It is as follows: 'Section 3. All property within the jurisdiction of this State, not expressly exempted, shall be subject to taxation.' 'Sec. 11. . . . *Fourth*—Personal property of non-residents of the State shall be assessed to the owner or to the person having control thereof in the township, town or city where the same may be, except that where such property is in transit to some place within the State, it shall be assessed in such place.' Expressly by the first of these provisions, and impliedly by the second, the authority is given to tax property within the jurisdiction of this State. The appellee's debtor and the property securing the debt are within the jurisdiction of the State, but the notes, the subject of the attempted taxation, and the appellee are not within the jurisdiction of this State, and authority for such taxation is not given."

The court cited the case of *Herron* v. *Keeran,* and quoted therefrom with approval, and added:

"After further consideration and citation of authorities

of those cases, it was said: 'Those cases all held that such property could not be so taxed, unless it has acquired, what we may denominate a business *situs*, in a State other than that of the residence of the owner. The property in the present case had acquired no such *situs*.' Every feature of that case presents a stronger claim for the exercise of the taxing power than the present. All that was said in that case applies to the present." The case was affirmed.

The case of *Buck* v. *Miller*, 147 Ind. 586 (1896), touched the assessment a part of which is now in question. The non-residence of Nash, and that the Ohio notes were made by non-residents was averred. The burden of the opinion is occupied with the question of their being liable to taxation in Indiana. The court denied that the mere fact that Nash and the makers of the Ohio notes were non-residents would exempt them from taxation, and said in substance if the notes had been kept and used in business in Indiana they would be taxable; that since it was not averred in that case that the notes had not been used in business or kept and used in business in Indiana at the several times when they should have been returned for taxation, the court would presume in favor of the action of auditor and presume that they were, and therefore the complaint was not sufficient. The court said:

"If, therefore, personal property is used in business in this State it will be assessed here, even though the owner may reside elsewhere; and this must be true of credits and moneys as well as other forms of personal property. A business may be done in buying and selling property and making loans and investments, collecting and reloaning money so used from year to year, and if the money, notes and mortgages so used are retained in this State they will be subject to taxation here as well as any other kind of personal property."

This case does not consider that the naked presence of the Ohio notes in Indiana made them taxable prop-

erty; but that fact coupled with the fact of using them in a business in Indiana would do so. It was not deemed in any of these Indiana cases that the mere physical presence of notes of a non-resident impressed such property with a taxable quality, but that they became such by the additional fact that they arose from, or were used in, an actual business of a more or less permanent character in this state. In *Buck* v. *Beach,* 164 Ind. 37 (1904), being the case at bar, the allegations and proof were that the Ohio notes had never been used in any business in Indiana, and arose out of Nash's loaning business in Ohio; and the court asserted a new doctrine, that the mere presence of the Ohio notes made them taxable property in Indiana. In other words, this case stands by itself in maintaining that notes arising out of business done in any other state by non-residents, and which had never been used in any business in Indiana, became, by the mere fact of their being written about and kept in a safe in Indiana, taxable property there.

The decision of the court below denies the plaintiff in error the equal protection of the laws and deprives him of his trust property without due process of law.

The plaintiff in error respectfully prays the court for judgment of reversal of the decision of the Supreme Court of Indiana, and for such other relief as may be just in the premises.

Lafayette, Indiana, April 18, 1906.

W. H. H. MILLER,
Of Counsel.

BYRON W. LANGDON,
Attorney for Plaintiff in Error.

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Supreme Court of the United States

OCTOBER TERM, 1905.

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JAMES BUCK, TRUSTEE UNDER THE WILL OF JOB M. NASH, DECEASED,
Plaintiff in Error,

v.

WILLIAM E. BEACH, TREASURER OF TIPPECANOE COUNTY, INDIANA,
Defendant in Error.

No. 14.

IN ERROR TO THE SUPREME COURT OF THE STATE OF INDIANA.

Brief of Defendant in Error.

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Supreme Court of the United States

OCTOBER TERM, 1905.

No. 179.

JAMES BUCK, TRUSTEE UNDER THE WILL OF JOB M. NASH, DECEASED,
Plaintiff in Error,

v.

WILLIAM E. BEACH, TREASURER OF TIPPECANOE COUNTY, INDIANA,
Defendant in Error.

IN ERROR TO THE SUPREME COURT OF THE STATE OF INDIANA.

Brief of Defendant in Error.

I.

PLEADINGS.

No question arising upon the pleadings in this case is before this Court. Therefore we do not discuss them.

II.

The statement of facts set forth in the brief of plaintiff in error is not a fair statement of the facts in the case.

We therefore, for the information of the Court, submit what we believe to be an accurate statement of the facts found in the record.

Job M. Nash in life was domiciled in and a resident of the State and city of New York. He died testate in the month of July, 1893. His will was probated in Cincinnati, Ohio. By it a trust was created, and William A. Goodman, of Cincinnati, and James Buck, the plaintiff in error in this case, were made trustees of such trust. They qualified and entered upon the duties of their trust. The trust fund consisted of Ohio and Indiana notes and bonds, aggregating $268,000. The Ohio and Indiana notes belonging to said trust were apportioned to plaintiff in error. He held and retained them in the State of Indiana, and was so holding and retaining them at the time this action was begun. During all the years from 1872 to 1893, inclusive, Job M. Nash was the owner of a great sum of money, aggregating something like $750,000, which he kept invested in bonds, stocks, notes and mortgage securities in the States of Indiana and Ohio, which investments were made for him by agents, and the securities so taken were held by said agents.

The principal place of transacting the business of investing said money of said Nash and of keeping and holding said securities was in the city of LaFayette, Indiana, from the year 1872 to 1893, inclusive. At this place an office was maintained by said Nash, where said securities were kept, said investments made, and of which said agent was in charge.

In 1873 Edgar H. Andress, of the firm of Andress & Wood, became the agent of said Nash in said city of La-Fayette. This firm did a general brokerage business; kept an office for the transaction of said business, and kept two safes in which the securities and valuable papers of said Nash were kept. Said Andress acted under a duly executed power of attorney, the essential part of which is as follows:

> "To execute releases of or release on the record, upon full payment thereof, any and all mortgages heretofore executed or that may be hereafter executed to me or transferred to me by assignment, and held by me at the time of payment thereof, and recorded in said county of Tippecanoe, or in any of the other counties of the State of Indiana, giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatever, requisite and necessary to be done in and about the premises, as fully, to all intents and purposes, as I might or could do if personally present."

This power of attorney is dated January 9, 1874.

The character of the business carried on by Andress for Nash is told by him:

> "In 1873 the firm of Andress & Wood were doing a general brokerage and insurance business; loaned some money for Nash; looked after little property that he had; principal business loaning money; made our money out of commission from borrower up to March, 1879; office in Coleman

Bank building, LaFayette, Indiana; had power of attorney; retained it until 1881; safe and vault in office; loaned money for Nash; insured his property; looked after and collected rents; looked after tenants and repairs; loaned money for him; collected his interest; all notes and mortgages belonging to Nash were entered on register; made one Cincinnati loan between 1874 and 1879; went from LaFayette to Cincinnati to renew loan.

"We had two safes which belonged to Nash, one small one, one large one; we made loans, collected interest and reinvested principal; made loans whenever we had money enough; we collected rents and sold products; no note ever sold, transferred or pledged in any business in Indiana up to 1882.

"James McCormick knew combination of vault and big safe in 1881; in 1882 gave James Buck combination to small safe; he knew combination to large one. McCormick had power of attorney; Nash paid McCormick; McCormick signed checks 'Job M. Nash, per James Mc.' Buck took charge in 1882, and had charge until Nash's death in 1893. In 1881 McCormick took charge of office; books and papers of Nash kept in safes; had two safes, one burglar proof, one fireproof; Nash's papers, notes and mortgages were kept in burglar-proof safe. He owned quite a number of city lots and farms in 1879."

The extent of the business carried on by Andress for Nash is more accurately shown by the mortgage records of Tippecanoe, Benton, Warren and White Counties, as found in the agreement of counsel in the record in this

cause. The facts shown by the records are more reliable than the memory of Mr. Andress. This agreement as to the facts shown by the mortgage records is found in the record in this cause.

The mortgage records as shown in said agreement disclose that Nash had money loaned on mortgage notes in Warren County as follows:

1872.....	$5,000	1873.....	$6,500
1874.....	6,500	1875.....	6,500
1876.....	6,500	1877.....	6,500
1878.....	5,000	1879.....	5,000
1880.....	2,000	1881.....	1,200

That during said years three mortgages were made to Nash and three mortgages were released.

That he had money loaned on mortgage securities in White County as follows:

1872.....	$2,000	1873.....	$4,100
1874.....	6,100	1875.....	8,376
1876.....	9,576	1877.....	9,576
1878.....	6,576	1879.....	3,700
1880.....	4,400	1881.....	700
1882.....	700		

That during said years seven mortgages were executed upon lands in said county to Nash and seven were released. In the number released were two foreclosures.

In Benton County there was $10,000 loaned on mortgage security during each of the years, 1872, 1873, 1874, 1875 and 1876.

In Tippecanoe County there were mortgage loans for each of said years as follows:

1872....	$ 100	1873....	$ 100
1874....	1,200	1875....	73,500
1876....	91,470	1877....	109,810
1878....	126,787	1879....	112,812
1880....	84,582	1881....	48,972
1882....	29,150		

During these years 116 mortgages were executed and 110 releases were executed and two mortgages were negotiated, sold and assigned.

The total money loaned in the four counties for these years was as follows:

1872....	$ 17,100	1873....	$ 21,600
1874....	23,800	1875....	98,376
1876....	117,546	1877....	125,886
1878....	138,363	1879....	120,512
1880....	90,982	1881....	50,872
1882....	29,850		

All these notes, mortgages and securities were kept by Andress in the safes owned by Nash and kept in the office of Andress & Wood, and were entered on a register kept by said Andress in said office for said purpose.

Andress' agency and authority were revoked February 15, 1881, and James McCormick succeeded him. He acted under a power of attorney, the essential part of which is as follows:

> "To release and discharge of record any and all mortgages which I now hold, when the same shall

be fully paid and satisfied to me. And also if any person shall purchase any note or mortgages held by me, said McCormick is hereby authorized to transfer and assign the said notes or mortgages to such person without recourse on me, giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do, if personally present at the doing thereof, hereby ratifying and confirming all that my said attorney shall or may lawfully do or cause to be done by virtue hereof, and I do hereby revoke the power of attorney heretofore executed by me to Edgar H. Andress."

The power of attorney was dated July 15, 1881.

Under this power of attorney McCormick made loans, collected rents, rented farms, sold grain, collected interest on loans, took possession of office fixtures and furniture, including safes, and was paid a salary by Nash. The office was Nash's office, the furniture was Nash's furniture.

August 1, 1882, James Buck, the plaintiff in error in this cause, became the agent of Mr. Nash in LaFayette, Indiana, and as such took charge of and conducted the LaFayette business under a power of attorney dated August 1, 1882, revoking the power of attorney theretofore granted to McCormick, and couched in language identical with the power of attorney granted to McCormick on July 15, 1881, except as to the name of the attorney.

On October 31, 1885, Nash executed to said James Buck a second power of attorney, increasing his authority, and constituting him, for the purpose of taxation at least, the owner of the property and securities in his hands. The essential part of this power of attorney is as follows:

> "To release and discharge of record any mortgage that may have been given, or that may hereafter be given to me, when the same shall be fully paid and satisfied to me. Also if any person or persons shall purchase any notes or mortgages that may have been given or that may hereafter be given to me, said James Buck is authorized to transfer such notes and mortgages, without recourse on me, and to surrender any notes, mortgages or bonds that may be or may have been given to me as collateral security, whenever the obligation to secure which such collateral was or may be given has been fully paid and satisfied to me, giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present at the doing thereof, with full power of substitution and revocation, hereby ratifying and confirming all my said attorney or his substitute may or shall lawfully do or cause to be done by virtue hereof."

In 1881 two mortgages were negotiated, sold and assigned. In 1883 one mortgage was negotiated, sold and assigned. In 1887 one mortgage was negotiated, sold and assigned. These facts are shown by the mortgage records

of Tippecanoe County, Indiana, and are found in the agreement as to the Tippecanoe County mortgages as shown by the mortgage records of said county.

The following facts are shown by the evidence of James Buck:

Buck began looking after farms in 1879; succeeded McCormick in August, 1882; under power of attorney; succeeded to office; office furniture, fixtures and business; received enlarged authority by power of attorney number two in October, 1885, and continued to act thereunder until Nash's death in the summer of 1893; began looking after farms in 1879, and continued until 1882; rented his farms; collected rents; sold what grain there was on them and paid money into the hands of McCormick.

Came to city in 1883; had authority to check on bank funds; employed by month; office in Coleman Bank building; in 1882 McCormick became sick; Nash said he wanted some one he could trust in his office in LaFayette; was much worried; some one who could keep accounts, receive money, collect rents and keep books. After we made arrangement he took me to bank and told them I had privilege of drawing checks; said he wasn't loaning any money, was closing up his business; papers, books, notes and mortgages in safe when office was turned over to me with the property in it in 1882; I understood they were turning over to me the property and office of Job M. Nash. Books were personal account of Nash, cash account, bank account, account against each piece of property and list of loans in Indiana.

The following from Mr. Buck's testimony discloses the circumstances under which he was employed:

> "When Mr. Nash discovered the condition Mr. McCormick was in he was a good deal put out because he thought a great deal of Mr. McCormick, and he said he didn't know what he would do for a man in his office, that he didn't know of anybody he would trust with his business, and I said to him to take his time, that it was not necessary for him to hurry, that I would take charge of his office until he could find some one. 'Well,' but he says, 'you can't keep my books; can't keep my accounts.' 'Yes,' I said, 'I can keep any books.' He seemed surprised. Then he began to talk to me about hiring me. The result was he employed me by the month and I continued for the same compensation during all the time of my employment, $100 per month."

Insurance policies, farm leases, leases on city property, books, notes and mortgages in safe in 1882 when Buck took charge of LaFayette office.

After 1887, Buck testifies, he made loans on his own responsibility. Goodman was loaning a good deal of money for Nash in Cincinnati for six per cent. Buck told Nash he had a number of good loans offering at seven per cent., and that it was not good business to loan money at Cincinnati at six when he could get seven for it here on just as good security. Nash told Buck he could loan what money he could safely put out at seven per cent.

This in brief is the testimony of Mr. Buck as to the character and extent of the LaFayette business. The

mortgage records, however, of Tippecanoe and Benton Counties are more reliable than the memory of Mr. Buck, and the facts shown by these records are set out in the record of this cause in an agreement between plaintiff in error and defendant in error.

The above agreement discloses that the following amounts were loaned in Benton County on mortgage security for the following years, to wit:

1884.....	$ 5,000	1885.....	$ 5,000
1886.....	39,000	1887.....	39,000
1888.....	39,000	1889.....	39,000
1890.....	39,000	1891.....	42,250
1892.....	44,600	1893.....	67,600

That during this period sixteen mortgages on lands in Benton County were executed to Mr. Nash.

The following shows the mortgage loans, as shown by the mortgage records of Tippecanoe County, for each of the following years, to wit:

1883.....	$23,483	1884.....	$22,633
1885.....	21,633	1886.....	20,033
1887.....	16,432	1888.....	25,533
1889.....	27,433	1890.....	29,066
1891.....	23,366	1892.....	31,416
1893.....	30,316		

The total mortgage loans in Benton and Tippecanoe Counties aggregate the following amounts for each of said several years:

1883.....	$23,483	1884.....	$27,633
1885.....	26,333	1886.....	59,033

1887.....	55,433	1888.....	64,533
1889.....	66,433	1890.....	68,066
1891.....	65,616	1892.....	76,016
1893.....	97,916		

During this period thirty-six mortgages were executed to Nash and seventeen releases were executed. The record shows that during the term of the three agencies of Andress, McCormick and Buck 158 mortgages and 137 releases were executed, and that thirty mortgages were foreclosed by court decrees. The record also shows four mortgages were negotiated, sold and assigned.

According to Buck's testimony these were not all the loans made by him. He had customers who came into the office and wanted to borrow money on short time on personal security. He made some such loans. Extent of the same not shown.

The above statement of money loaned does not include $20,000 loaned to Adams Earl in 1883 by Mr. Buck for Mr. Nash.

During the term of Buck's agency money was sent to him from time to time from Cincinnati, placed on deposit in the bank at LaFayette, and afterwards loaned by Buck. This frequently occurred after 1887.

Prior to the first of April, 1884, Ohio notes of the value of $32,229.08 were sent from Cincinnati to Mr. Buck, and were kept by him continuously in the safe in Nash's office in the City of LaFayette, Indiana, thereafter until they became due.

In 1885, he had $98,138 of such notes;
In 1886, he had $129,885 of such notes;

In 1887, he had $198,612 of such notes;
In 1888, he had $241,457 of such notes;
In 1889, he had $221,599 of such notes;
In 1890, he had $282,524 of such notes;
In 1891, he had $311,944 of such notes;
In 1892, he had $369,636 of such notes;
In 1893, he had $309,858 of such notes.

The Ohio notes and mortgages in the amounts named above were permanently kept and held by James Buck as the agent of Nash in the city of LaFayette, Indiana, kept in the same safe, in the same office, and placed upon the same register as the Indiana notes, and in all things treated the same as the Indiana notes, except they were sent to Cincinnati for collection when they became due. Said amounts are as found by the court and are as agreed upon by the parties.

The theory of the plaintiff in error as to why these Ohio notes were kept in Indiana, as given in the third paragraph of answer of plaintiff in error and in his counter claim, is that they "were kept on deposit in the city of LaFayette only and merely for convenience and safety, and not otherwise." The plaintiff in error testifying, in answer to a question as to how these notes payable and dated in Ohio, and the mortgages securing them, happened to be permanently kept and held by him in the city of LaFayette, said:

> "After I came into Mr. Nash's employ he used to visit me about twice a year; he would generally come to Cincinnati and then come up here. When he would come up here he would have his bank

book, or pass book as it is called, what we all use when we make a deposit in the bank; he would bring it to me and ask me to figure it over and see if it was figured up right; I did it for a time or two, possibly twice, and I asked him what was the object of this, and he said I want to see if Mr. Goodman is crediting me down there; I said, 'This don't show it, and you can't tell it from this book.' 'I would like to know why,' he said, and I said, 'This is simply a duplicate of their bank book, you can't tell from it'—in other words, whether he has given you credit with all the collection he has made for you or not, and I suggested to him that the proper way for him to do that was to have Mr. Goodman send me a memorandum of all the loans he had made for Mr. Nash and then for Mr. Goodman to report to me the collections he would make, and then when he came out with his bank book we would check over and see if he had collected from all the loans he had to collect on. The result of this conversation was that Mr. Nash ordered me to have a memorandum book made, or rather register, as I would call it, and he said he would have those loans all sent up here and have me make a memorandum of them for that purpose; for the purpose of getting them into a memorandum so that he could check over to see whether Mr. Goodman had given him credit for all the collections upon all the loans he had made for him.

"He said he would have Mr. Goodman either send me a memorandum of the loans, or he would have the loans sent out here so I could make a record of them; that he would talk to Mr. Goodman about it, and the result of the matter was Mr.

Goodman sent the mortgages to me; no memorandum.

"I made record; put down showing where it was from, amount of principal note and interest note, date of note and mortgage, time when due. Goodman wrote to me to keep loans he was sending; I made memorandum of them and put them in the burglar-proof safe; sent them back each month if they were due for collection; no one else had custody or control of them; they were never sold or pledged. Goodman and Nash both had superior control. Notes were paid in Cincinnati; money deposited in the National LaFayette Bank; none sent to Indiana."

It is true that during the term of Buck's agency money was sent to him in LaFayette from Cincinnati to be invested and by him placed on deposit in the bank and afterwards loaned for Nash; that this did not frequently occur prior to 1887, but that it did frequently occur after 1887. This is Buck's own testimony.

Cincinnati bank does large business. Nash had a safety deposit box there; kept bonds in safety deposit vault in bank building; had no office in Cincinnati.

In LaFayette Nash had an office; had two safes that were owned by him; Nash paid office rent; Buck felt in danger with securities in safe and moved safe from Nash's office in LaFayette over into the vault of the Merchants' National Bank.

The answer and the counter claim of plaintiff in error avers the value of the bonds kept in Cincinnati to have been $174,000.

Ohio notes continued to come from time to time after 1884 until Nash's death. They were usually sent from Cincinnati, Ohio, by Mr. Goodman. Buck listed them in a book; gave the name of the debtor, the character and the amount and the date of the note and when due. Notes were accompanied by the mortgages and interest notes separate and apart from the principal note. He listed them in the same book in which he listed the Indiana notes and mortgages. His orders were to keep the Ohio notes until the interest or principal should fall due, then send them to Mr. Goodman. When he sent notes and mortgages back to Cincinnati for collection he would write on the register, under the head of "Remarks," "Sent W. A. Goodman," with the date.

We again quote from Buck's testimony:

> "When Mr. Nash would come out here he generally would stop at Cincinnati and have his bank account made up, his bank book, and he brought it to me to have me figure it over to see if it was correct. I did this a few times and I finally asked him what the object was, and he said to me it was for the purpose of ascertaining whether Mr. Goodman was giving him credit in Cincinnati for all the collections upon the loans made by Mr. Goodman down there. I said to him, it didn't show whether Mr. Goodman was giving him credit or not. That the book did not show that fact. I said to him that I thought the best thing he could do would be to have Mr. Goodman send me a memoranda of all the loans he had for him, and ask Mr. Goodman to report to me when he made the collec-

tions, and that then when he came out here I could check over with him his bank book, and we could tell then whether he was getting credit for all the collections upon all the loans Mr. Goodman had made for him.

"The bank book he spoke about was his Cincinnati bank book; the thing he wanted me to ascertain was whether or not Mr. Goodman was giving him credit on this book for all collections made. Instead of sending me a memorandum Mr. Goodman sent me the notes themselves.

"I told Mr. Nash that the proper way was to have Mr. Goodman send me a memorandum of all the loans that he had for him down there, and then we could check over every time he came out here and see whether he was getting credit for all the collections Mr. Goodman had made for him, and I suggested to Mr. Nash that he have a memorandum book made so that I could put these loans down, these mortgage notes in this memorandum book, and the result was he ordered me to have such a book made, and I did. He never sent me a memoranda of the loans, he sent the notes and securities. When I sent a note to Mr. Goodman for collection he would write me that a certain note had been paid, and I would note it on the book opposite to the note to which it referred, then my memorandum book would show in regard to each note that the note was sent at a certain time to Mr. Goodman for collection, and at a certain time had been paid to Mr. Goodman.

"Sometimes the notes would come back renewed by writing across the back 'Renewed' for one or

two or three or four or five years; then I would keep it here until it became due and then send it to Mr. Goodman; the money was put in the National LaFayette Bank at Cincinnati, Ohio.

"Bonds were kept in a safety deposit vault in Cincinnati. Bonds and securities were kept in safety deposit vault of Safety Deposit Company's building in Cincinnati."

The plaintiff in error testified, in the hearing before the auditor prior to the assessment made by that official, concerning the Ohio notes as follows:

"They were kept in my care; I had a record of them; I collected the interest on them; that is, in this way, when a mortgage was sent here it was sent here by his agent in Cincinnati to me to make the record, which I did; I then laid it away in the vault and when the interest became due I sent it to his agent, the interest note for collection; he would collect it and send me a report that he had collected it and deposited it in his bank down there, and I would mark it so on the mortgage record. I would keep it, the principal note, here until it was due, and would then send it to his agent who, if it was paid, would send me a certificate from the bank, not a bank certificate, but send me notice that the note was paid, and I would then mark it off the book as a paid note."

The Cincinnati business was in the hands of William A. Goodman as agent. Nash kept no office in Cincinnati. He did business through the National LaFayette Bank, of which Goodman was president. Nash kept a box rented

in the Safety Deposit Company's vault where he kept his bonds, stocks and securities.

William A. Goodman testified:

"Nash, when he was here, advised with me as to his investments, and he trusted me with his money to invest; what spare money he had; I was to invest his money in mortgage securities in Ohio. I think it was during 1860 until his death. All loans were secured by notes and mortgages; all invested in Cincinnati; all payable in Cincinnati. Payable to Nash or others and assigned to him. No other person acting as agent for him in Ohio; my management did not extend to business affairs outside of Ohio.

"Notes paid at bank in Cincinnati; all collections put to his credit; never sent any money to Indiana that I recollect of.

"I had absolute control of them; I had possession or control from the time they were made until paid or disposed of in some way or other.

"Some times they were sent by me for record to Mr. Buck as agent. Nash desired Mr. Buck to have a memorandum of the notes and he returned them to me generally within a few days after they were recorded; they were sent there for that purpose and not for collection; never assigned, sold or hypothecated them, and never used them in any business.

"Numerous notes and mortgages owned by Nash that were never sent to Buck or to LaFayette. Nash knew I did not send all the mortgage notes there; he was willing to trust me.

"I was president of National LaFayette Bank,

> Cincinnati, twenty years; old bank; has all equipments of a bank; Nash had rented box in the safety deposit vault where he kept bonds and stocks; mortgages and notes sent to LaFayette for record; Buck kept his private books here; had record here."

The record in this case conclusively shows that during Nash's life

NO TAXES WERE PAID

on the Ohio notes.

Plaintiff in error himself testified that no taxes were ever paid in the State of Indiana on the Ohio notes and mortgages; that the Ohio notes were sent by him in bulk just before the first day of April by express and returned addressed to him just after the first day of April in the same envelope but with another envelope over them.

In this connection Mr. Buck said:

> "From the 25th to the 28th of March I would send all the Ohio notes and mortgages to Cincinnati in care of Mr. Goodman; send them all in one package by express; receive them back by express, in one package, directed to me; generally in the same package or envelope in which I sent them; when I would send these notes away I would simply make a check mark opposite each note in pencil on note book, and when they returned I would mark out the check mark; this was simply a memoranda of my own to know that I got the notes back.
>
> "In 1886, a gentleman in this town, now dead, and I were talking about Mr. Nash's taxes. He

asked me what he was paying taxes on and I told him. He asked me what I had here and I told him. He said to me he thought I was doing wrong and possibly laying myself liable by not giving in all his property here for taxation, and he told me very plainly that it was my duty to do so. I wrote to Mr. Nash the circumstances and said to him that I understood the law was that I was compelled, as his agent, to give in every bit of property I had here in my hands for taxation, and that when the first of April came I should do so if it was in my hands, and he wrote me then to send all the paper, all the notes and mortgages that were made in Ohio, to him at Cincinnati, and he would attend to the taxation himself, giving them in for taxation himself. This was previous to the first of April, 1887. I never sent Ohio notes in bulk prior to 1887; they had been in Mr. Nash's office in the city of LaFayette on the first day of April of each year prior to that time. There was nothing given in for Mr. Nash for taxation from 1881 to 1886, inclusive; no personal property."

In Mr. Buck's examination before the auditor he said:

"I did not give in any notes for assessment outside of Indiana for the reason he had instructed me on the last days of March of each year to put in a package and send all these notes to him to Cincinnati in the care of his bank, and he would attend to giving them in for taxation himself. Sent them last days of March, say from the 25th to the 27th or 30th of March; got them back about the 10th of April; when it was necessary for him to have them back here for the purpose of collecting any interest

I would order them back if he was not there himself; and I would hold them until the next year. I never gave in any of them after 1887, because they were out of my hands by his orders on the first day day of April.

"He did not tell me what the reason was he wanted me to send them down there to him. Just to give you an idea how this occurred: I want to be fair in this matter; I propose to tell the truth; he wrote me a letter from New York, probably two of three weeks before it was time to give in the property for assessment after I went into his office, which would be in 1886, in which he ordered me to only return for taxation the notes and mortgages in Tippecanoe County; I wrote him back that I could not do it; that I understood the law was such that it made it the duty of an agent to give in for taxation all the property that he had in his hands on the first day of April, and to swear to it, and that I would not swear to a lie for his property; he would have to get some one else; he then wrote me to send the paper, except the paper in Tippecanoe County, to Cincinnati, and he would attend to giving it in for taxation himself; I sent that year only the mortgages and notes that were due in Ohio; there was a great amount of paper held out in Benton County, some in White, and against his orders I gave in here all the paper I had in the State of Indiana. I spoke to him when he came out and told him why I did it; I said to him, 'The tax sharks are after all the wealthy men just now, and I think the best thing that could happen you would be to give this thing in, and I done it and disobeyed your orders, and I am ready to take

my discharge.' He said, 'You will not be discharged; I guess you done right.'"

The testimony of William A. Goodman clearly shows that no taxes were paid on the Ohio notes in the State of Ohio during the lifetime of Mr. Nash. He testified:

> "All the property that was in his name was taxed because I paid the taxes on it; we sometimes had to take real estate for loans in closing up loans, and in cases of that kind real estate was put in his name; it was taxable. During Nash's lifetime I never gave in any of these Ohio notes for taxation. We paid at Nash's death all the taxes that the auditor claimed were due upon them amounting from forty to fifty thousand dollars. We went back five years and paid all the taxes they claimed. The auditor of the county insisted that as I invested money for Nash and did not return it for taxation as was required at his death it was claimed and the attorneys and myself concluded that in order to avoid litigation with the county auditor to make and list for taxation the property, and we did so, and paid the taxes for five years."

James H. Kelly, a witness for plaintiff in error, testified:

> "I made a return for taxation myself as agent for the estate of Job M. Nash, in the last days of July, 1893; I made a return for taxation for the year 1893; and for five years preceding; for the years 1892, 1891, 1890, 1889, 1888. I made the return to the auditor of Hamilton County, Ohio. On the return I made the taxes for these years respectively were paid. I personally carried the

check to the treasurer to pay the taxes for these years preceding 1893, and also for the year 1893. All taxes due from the estate of Job M. Nash to this State are paid; made return between the time of his death and the probating of his will; property was not listed by items; property that I listed was not itemized by me; it was listed in the aggregate or lump."

A. J. Horton, a witness for plaintiff in error, testified that the only taxes Nash paid in New York was on account of money that he had on deposit in White Plains, Westchester County, New York.

The evidence in this case conclusively establishes the fact that Job M. Nash, during all the days of his life, was a skillful, adroit and continuous

TAX DODGER.

In 1887, A. O. Behm caused to be placed upon the tax duplicate in Tippecanoe County, in the State of Indiana, $40,235 of mortgage securities omitted by Nash from taxation in said county; in 1878, $57,333; in 1879, $55,986.

No return whatever was made by Nash, or by plaintiff in error, his agent, or by any other person for him in Tippecanoe County, in the State of Indiana, for any of the years from 1881 to 1886, inclusive.

In 1893, plaintiff in error sent an Indiana note, executed by Minerva Fowler, for $27,000, to Ohio along with the Ohio notes and omitted it from taxation.

It is shown in the pleadings in this cause, by the evidence and by the agreement of the parties in the record,

that Indiana notes were omitted from taxation for each of the following years and in the following amounts:

1881.....$1,600	1882.....$2,300
1883..... 2,900	1884.....10,750
1885.....10,050	1886.....47,050
1893.....21,400	

The taxes due on these notes were tendered before the bringing of this action and after the action paid into court by the plaintiff in error.

It is admitted, in addition to the above, that Indiana notes and mortgages were omitted from taxation by plaintiff in error, as the agent of Mr. Nash, in the following sums and for the following years:

1881.....$43,122	1882.....$27,900
1883..... 21,634	1884..... 16,381
1885..... 14,954	1886..... 12,806

In 1901 and since the bringing of this action these notes were listed for taxation, and the taxes thereon have been paid.

In 1893 plaintiff in error sent ten Indiana notes to Cincinnati and omitted them from taxation.

Plaintiff in error testified:

> "The last year, 1893, he (Nash) wrote me from New York to return to him in Cincinnati, with the Cincinnati paper, the notes for new loans I had been making in Benton County and White County, and I did that to the amount of somewhere in the neighborhood of $22,000."

This record presents an instance of a man investing more than a half million dollars in bonds, stocks, notes and mortgage securities during a long lifetime, without the payment of any taxes thereon.

He paid none in New York, the State of his domicile; he paid none in Ohio, where the Ohio notes were executed and made payable; he paid none in Indiana, where the Ohio notes were permanently kept in the hands of an agent who conducted a general real estate, mortgage and brokerage business in his name and for him.

The evidence shows the complaint in this cause was filed January 8, 1897; counter claim and answer filed October 22, 1897.

On October 22, 1897, plaintiff in error tendered and paid into court on account of mortgage securities included in the auditor's assessment in this cause $1,436.99.

In July, 1901, plaintiff in error paid taxes in the sum of $328.25 on account of the Minerva Fowler note of $27,000, omitted from taxation for the year 1897.

December 12, 1901, plaintiff in error paid taxes in the sum of $1,502.21 on account of Indiana notes omitted from taxation in addition to those omitted and for which taxes had been paid or tendered.

Total amount of taxes paid and tendered since the bringing of this suit on account of the Indiana notes included in the assessment in issue and omitted from taxation, $1,230.50.

In addition to the mortgage, loan and brokerage business conducted in behalf of Nash in LaFayette, a general

real estate business was conducted and managed there by his agents. This is shown in detail by the record.

In 1880 Nash owned in Tippecanoe County, Indiana, 1,211 acres of land.

In 1881 he owned 1,799 acres; an increase of 588 acres.
In 1882 he owned 1,455 acres; a decrease of 344 acres.
In 1883 he owned 1,180 acres; a decrease of 275 acres.
In 1884 he owned 1,255 acres; an increase of 75 acres.
In 1885 he owned 1,385 acres; an increase of 130 acres.
In 1886 he owned 1,205 acres; a decrease of 180 acres.
In 1887 he owned 1,271 acres; an increase of 66 acres.
In 1888 he owned 1,150 acres; a decrease of 121 acres.
In 1889 he owned 1,082 acres; a decrease of 68 acres.
In 1890 he owned 999 acres; a decrease of 83 acres.
In 1891 he owned 788 acres; a decrease of 211 acres.
In 1892 he owned 494 acres; a decrease of 294 acres.
In 1893 he owned 239 acres; a decrease of 255 acres.

The aggregate number of acres bought and sold from 1880 to 1893 was 2,690 acres.

James Buck had charge of all this business. It passed through the office of Nash in LaFayette, Indiana. Buck collected the rents, sold the grain and invested the proceeds from such handling.

The foregoing is a careful and we believe a correct statement of all the facts essential to the consideration of this case as disclosed by the record.

III.

ARGUMENT UPON QUESTIONS OF FACT.

The only property, the assessment of which is in issue in this case, is certain notes designated in the pleadings and in the evidence as "Ohio notes." It is the theory of the plaintiff in error that these notes were kept on deposit in the city of LaFayette, Indiana, only and merely for convenience and safety, and not otherwise. This theory is followed in counsel's statement of fact and in the assignment of errors We quote from their brief:

> "Said items of property so taxed, being the Ohio notes and nothing else, were never used or invested in any business in Indiana, nor had they arisen out of any business or investments in Indiana, but were actually and permanently invested in business in Ohio during all of said time, and were never in Indiana during any part of said time except at times for safe keeping and convenience." Brief of plaintiff in error, page 10.

The evidence, however, wholly fails to support such theory. The safes in Mr. Nash's office in LaFayette, Indiana, were not a place to which valuable securities would be sent from Cincinnati for safe keeping by a man who had a safety deposit box in a safety deposit vault in a large, long-established and well-equipped banking business in the city of Cincinnati, where he kept on deposit for safe keeping $174,000 of bonds and other securities and where the agent who invested the money for him lived. The fact that he continued to keep and rent the box in

the vaults of said Security Company in Cincinnati, where said agent lived, and in which he kept on deposit $174,000 of other valuable securities, utterly overthrows the contention that the mortgages and notes sent to Mr. Buck, in LaFayette, were sent there for safekeeping. The character of the safes in Mr. Nash's office where the Ohio notes were kept, were such as to preclude this. They were of such character as to cause Mr. Buck to feel that the securities kept therein were not secure but were in danger, and after the death of Nash he moved the safe in which they were kept from Nash's office in LaFayette, over into the vault of the Merchants' National Bank. This is the testimony of the plaintiff in error himself.

And yet counsel would have this Court believe that Nash sent from $30,000 to $300,000 of notes and mortgages from Cincinnati, where he had a rented box in a safety deposit vault and where he continued to keep on deposit nearly $200,000 of other securities, to Mr. Buck, in LaFayette, Indiana, to be kept by him in an ordinary office and in an ordinary fire-proof safe, for *safe keeping.* What Mr. Buck or any one else may now say as to such being the purpose of sending the Ohio notes to Indiana is of no value in the light of the undisputed facts to which we have just referred. Mr. Buck himself nowhere swears that the purpose of sending the Ohio notes to Indiana was their safe keeping, and no such inference can be drawn from the facts and circumstances in this case by any intelligent and honest mind. Nash was neither an imbecile nor a fool. He was shrewd and careful. He did not send

the Ohio notes from a place of security in Cincinnati, to an insecure place in LaFayette for safe keeping. The real purpose that actuated him in sending these securities to Indiana is made apparent and conclusive by the facts and circumstances and the record to which we will later refer.

The facts and circumstances in evidence no more justify the contention that the Ohio notes were sent to LaFayette for "clerical convenience" than they justify the contention that they were sent there for "safe keeping." In the preceding pages of this brief is set out the testimony of Mr. Buck as to why the Ohio notes were sent to LaFayette. The real reason of their being sent there, however, is not given in the conversation detailed by Mr. Buck between himself and Mr. Nash. According to the theory of that conversation the purpose of sending the Ohio notes to LaFayette was that Mr. Buck might keep tab on Mr. Goodman and know what notes were collected and what money belonging to Mr. Nash went into the hands of Mr. Goodman. That when Mr. Nash came to Indiana he could bring with him his bank book, showing his account with the LaFayette National Bank, of Cincinnati (of which Goodman was president), and by comparing the deposit accounts in such bank book with the amount of money received by Goodman from the Ohio notes, as shown by the record kept by Buck, determine whether Goodman had accounted to Nash for all moneys belonging to Nash coming into his hands.

This could only be done by sending to Mr. Buck all the

securities in Goodman's hands of whatsoever kind and character, so that no money from any of Nash's investments could come into Goodman's hands without Buck knowing it. If any securities were not sent to Buck and were not registered by him, but were left in Goodman's care and possession in Cincinnati, Buck could not know whether Goodman was accounting to Nash for all the money received by him, and the purpose of sending the Ohio notes and mortgages to Buck, as contended for by him, would abort.

It is agreed in writing in this cause that $174,000 of bonds owned by Nash, were kept in Cincinnati, and were never in Indiana, and that Buck had no record of these.

It is also within the undisputed evidence in the cause that numerous notes and mortgages owned by Nash were never sent to Buck or to LaFayette, but continued in the possession of Mr. Goodman in Cincinnati. That Buck had no record of them, and that Nash knew that Goodman was not sending all the Ohio notes and mortgages to LaFayette, and that Buck was not getting a complete record or list of such notes and securities; that he knowingly left numerous Ohio notes and mortgages in the hands of Mr. Goodman in Cincinnati, and that he was willing to trust them to Mr. Goodman. Goodman was the witness of the plaintiff in error. He so testifies. His testimony is undisputed.

His language is:

> "Sometimes they (Ohio notes) were sent by me for record to Mr. Buck, as agent. Numerous

> notes and mortgages owned by Nash were never sent to Buck or to LaFayette. Nash knew I did not send all the mortgage notes there; he was willing to trust me."

From the above it is apparent and conclusive that the Ohio notes were not sent to LaFayette "for mere clerical convenience." If safe keeping had been the object in the mind of Nash the Ohio notes would have been kept in his rented box in the safety deposit vault of the Safety Deposit Company in Cincinnati, and not in a small, iron safe in an ordinary broker's office in LaFayette.

If "mere clerical convenience" had been the object sought, the Ohio notes and mortgages would have been kept in Cincinnati, in the care of Mr. Goodman. If he had desired Buck to keep tab on Mr. Goodman, as indicated in the conversation detailed by Buck, he would have required all the securities to be sent to LaFayette, and would have required Buck to make a list and keep an account of all such securities. The trial court did not believe the "safe-keeping and clerical-convenience" theory of the plaintiff in error, nor can your Honors believe it in the light of the facts and circumstances surrounding the actions of the parties during the agency of Mr. Buck. Nor is it true that Mr. Goodman had superior control of the Ohio mortgages sent to Mr. Buck, nor that Buck's control was subordinate. It is true that Mr. Goodman testified:

> "I had absolute control of them; I had possession or control from the time they were made until paid or disposed of in some way or other."

It is also true that Buck testified that both Goodman and Nash had superior control, and it is also true that he testified that no one else than himself had custody or control of them.

But Mr. Buck's authority over the Ohio notes and any other notes owned by Mr. Nash is fortunately not left to the faulty memory of either Mr. Buck or Mr. Goodman. His power and authority over the securities owned by Mr. Nash is in writing in evidence in this record, and speaks for itself. Mr. Nash did not leave the question of Mr. Buck's authority to the uncertainties of oral expression. He put it in writing, and gave his solemn acknowledgment thereto under seal.

By a power of attorney, formally prepared and solemnly acknowledged, he gave authority to Mr. Buck

> To release and discharge of record any mortgage that may have been given, or that may hereafter be given to me, when the same shall be fully paid and satisfied to me. Also if any person or persons shall purchase any notes or mortgages that may have been given or that may hereafter be given to me, said James Buck is authorized to transfer such notes and mortgages, without recourse on me, and to surrender any notes, mortgages or bonds that may be or may have been given to me as collateral security, whenever the obligation to secure which such collateral was or may be given has been fully paid and satisfied to me, giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatsover, requisite and necessary to

be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present at the doing thereof, with full power of substitution and revocation, hereby ratifying and confirming all my said attorney or his substitute may or shall lawfully do or cause to be done by virtue hereof."

It can not be contended, under this power of attorney, that Mr. Buck's authority was limited to the Indiana notes. Had Mr. Nash desired to have Buck's authority so limited, he knew well what language of limitation to use. In his power of attorney to Andress, made in 1873, he was careful to limit Andress' authority to release mortgages to mortgages executed to him or transferred to him by assignment, "and recorded in said county of Tippecanoe, or in any of the other counties of the State of Indiana." When he commissioned Mr. Buck he was careful to make no limitation. The language is "any notes or mortgages that may have been given or that may hereafter be given to me."

The above power of attorney clothed Buck with absolute authority and control over all the mortgages belonging to Nash and coming into his possession. He could release them of record. He could negotiate, sell, assign and transfer them. He could even authorize any one else to release them of record, negotiate, sell, assign or transfer them, for he had "full power of substitution." He exercised control over the Ohio notes. He determined when it was necessary to send them to Ohio for collection, for he solemnly swears:

> "When it was necessary to have them back here for the purpose of collecting any interest I would order them back if he (Nash) was not there himself, and I would hold them until the next year."

An argument based upon a false premise, however logical and forceful, is as weak as a chain with a broken link. So it is with the able and learned argument of counsel. They build it upon a false premise, and it can not stand.

Counsel are also in error when they state:

> "That all money paid or received on account of the said Ohio notes was deposited and kept in Ohio. All money so paid was kept in Ohio, and no part of it was ever sent to Indiana."

Plaintiff in error himself testifies that money was sent to him from time to time from Cincinnati, placed on deposit in the bank at LaFayette, and afterwards loaned by Buck in Indiana. That this occurred frequently after 1887.

This is not disputed. Mr. Goodman's testimony is:

> "Never sent any money to Indiana that I recollect of."

He does not undertake to swear that none of the money received from collections on account of the Ohio notes was ever sent to Indiana. His language is "none that I recollect of." Buck's testimony is positive that this frequently occurred after 1887. In 1883 the aggregate mortgage loans in Indiana were $23,483; in 1893 they were

$97,916, an increase of $74,433. The money for this large increase in Indiana loans necessarily came from somewhere. Buck says it frequently came from Cincinnati. The inference, therefore, is irresistible that out of the funds created by the collection of Ohio notes and placed on deposit to Nash's credit in Cincinnati from time to time there were sent to Mr. Buck money from which he made loans in Indiana. It is important, also, to know that the $97,916 of loans made in Indiana in 1893 did not include money loaned to customers who came into the office and wanted to borrow money on short time on personal security. Some such loans were made.

As before suggested, Mr. Nash was neither an imbecile nor a fool, but the evidence in this cause shows without question that he was a shrewd, skillful, experienced and persistent tax dodger, and that the real reason for sending the Ohio notes and securities to LaFayette, and of having them permanently kept there, was that he might escape the payment of taxes thereon. His domicile was in New York. The Ohio notes were executed by persons living in Ohio, were made payable there, and were secured by mortgages on lands in Ohio. If the notes were kept there they would have been taxable in the State of Ohio. Had they been sent to him in New York they would have been taxable to him in New York. If they were sent to Indiana, there being no public record of them in that State, they would escape taxation there. Not being physically present in New York they were, as we shall hereafter show, not taxable in New York, the place of

his domicile. Neither he nor the notes being in Ohio, they were, as we shall hereafter show, not taxable in Ohio. If they could be permanently kept in Indiana, and knowledge of their presence kept from the taxing officers of this State, they would escape taxation altogether. This is exactly what was accomplished. No taxes were ever paid on them in Indiana.

No taxes were ever paid upon them in Ohio during the lifetime of Nash.

No taxes were ever paid upon them in the State of New York.

No return whatever was made for Nash on either the Ohio or Indiana notes from 1881 to 1887, inclusive. After that only a portion of the Indiana notes were returned. For the years 1884, 1885 and 1886 Buck aided and abetted Nash in his purpose to sequester the Ohio notes from taxation, and made no return of them whatever. None of the Indiana notes or of the Ohio notes would have been given in for taxation in 1887 had it not been for a conversation between Mr. Buck and a gentleman upon whose friendship and knowledge of the law Buck relied. In that conversation this friend told Buck that he was doing wrong and laying himself liable by not giving in all of Nash's notes here for taxation, and he told him plainly it was his duty to do so. Buck then wrote to Nash the circumstances, and said to him that as he understood the law he was compelled to give in all the notes held by him, and that on the first day of April he should do so if they were in his hands. Nash wrote him

to send all the Ohio notes and mortgages to Cincinnati, and he would attend to the taxation himself. Buck did this thereafter from year to year just prior to the first day of April, and received them back again a few days after the first day of April, but Mr. Nash did not give them in for taxation himself. The sending of these notes to Ohio for three or four days covering the first day of April, was simply the trick and device of a dishonest man who was seeking to defraud the State where he lived, the State where he did business and the State where these notes were permanently kept. The circumstances that impelled Buck to write to Nash and caused him to order these notes returned as indicated above; the fact that the package in which they were sent was never broken, that it was returned just after the first day of April each year, clearly reveals the purpose in the mind of Mr. Nash and leaves his motive too apparent for discussion. *The truth is, he deliberately and for the purpose of evading taxation, chose the State of Indiana as the place for the permanent situs of the notes and mortgages in issue in this case. He elected to give them a situs in Indiana and did give them a situs there by his act of sending and keeping them there.*

In 1877 Nash secreted from taxation more than $40,000 of Indiana securities; in 1878 more than $57,000; in 1879 more than $55,000. In 1893 plaintiff in error sent the Minerva Fowler note of $27,000, the same being one of the Indiana notes, to Ohio, and it was omitted from taxation, and in 1893 Nash wrote Buck from New York to return to him at Cincinnati with the Cincinnati paper

just prior to the first day of April the notes for new loans he had been making in Benton and White Counties. Buck did so to the amount of somewhere in the neighborhood of $22,000.

The real purpose of giving the Ohio notes and mortgages a situs in Indiana, separate and apart from the place where they were executed and where they were made payable, is made so clear and apparent by facts and circumstances contained in the record that your Honors will be driven, as the State Court was driven, to brush aside the flimsy theory of "safe keeping and mere clerical convenience" contended for by plaintiff in error. His purpose was to evade the payment of taxes. That, and that only. To do that he gave these notes and mortgages a secret but permanent location and situs in the city of LaFayette, and placed them in the permanent care, keeping and control of an agent, who, by express, written authority formally prepared and solemnly acknowledged, had power to sell, transfer, assign and barter them at will.

By the above statement of facts, every word of which is sustained by the record in this cause, we have made clear the real purpose of the presence of the Ohio notes in Indiana. We now call your Honors' attention to the

CHARACTER OF THE SITUS

given to these notes in Indiana.

Nash, a resident of and domicile in New York, for twenty years before his death kept and maintained a real estate and broker's office in the city of LaFayette, Indi-

ana. He owned many farms in Tippecanoe and other counties in Indiana, and city property in LaFayette. His office and place of business was of the most permanent character. It was equipped with furniture, books, ledgers for keeping accounts, fireproof safes for the keeping of books and papers, and a register of all the loans made in Indiana and of all notes coming into the possession of such agent. It was his office. He paid the rent and employed an agent, into whose charge and keeping he gave the office and the business transacted therein. This agent had charge of his office, loaned his money and took notes and securities therefor; kept his accounts and had full charge and care of all books, papers, and securities belonging to Nash, and kept in said office; sold and bought real estate; rented real estate and collected rents accruing thereon; had power to release any mortgage given to Nash, either in or out of the State of Indiana; to negotiate, sell, transfer and assign any note, mortgage or security in his possession and belonging to Nash, whether in or out of Indiana.

During the twenty years 158 mortgages were executed to Nash through the LaFayette office; 137 releases were executed; four mortgages were negotiated, sold and assigned; and the protection and power of the courts of Indiana invoked in the foreclosure of thirty mortgages; the money loaned reached at various times more than $100,000, exclusive of personal loans which some years amounted to more than $20,000. In ten years 2,690 acres of land were bought and sold through said office.

Such was the character of the business established and conducted by Mr. Nash, through his agent, Mr. Buck, and of which Mr. Buck had control, when before the first of April, 1884, Nash caused to be sent to him to be by him permanently kept in said office, listed and cared for, $32,229 of promissory notes secured by real estate mortgages executed by citizens of Ohio, payable to Nash's order at Cincinnati, Ohio, and secured by mortgages on real estate situate in Ohio. Each of these Ohio loans was represented by one principal note running from three to five years, and the payment of which was frequently extended beyond that time. There were interest notes for each loan, separate and apart from the principal note. Each principal note and the interest notes belonging thereto were secured by mortgage, as before suggested. Each note was accompanied by the mortgage by which it was secured.

In 1885 the Ohio notes so coming into Buck's hands were $98,188 in value; in 1886, $129,885; in 1887, $198,612; in 1888, $241,457; in 1889, $221,599; in 1890, $282,524; in 1891, $312,944; in 1892, $369,636, and in 1893, $309,858.

These notes were permanently kept and held by Mr. Buck in LaFayette, Indiana, as the agent of Mr. Nash, and were controlled by him from the time he received them until Nash's death. They were kept in the same office, placed on the same register as the Indiana notes, and in all things treated the same as the Indiana notes, except that they were sent by Buck to Cincinnati for collection as they became due. The money from such collection was

deposited in Cincinnati, but money from Cincinnati was frequently sent to Buck for investment in Indiana. It was Buck's business to know when the Ohio notes became due, and to send them to Cincinnati for collection or renewal. He was their permanent custodian. They were never out of the State of Indiana except for the temporary purpose of evading taxation there, and then only for eight or ten days—long enough to be sent to Cincinnati, retained during the first day of April, and then returned to LaFayette. They were connected with and a part of the business transacted in the LaFayette office. They were listed. The time of their maturity, the date when given, the name of the maker, the amount and the rate of interest, noted on a register kept for that purpose, exactly as the Indiana notes were listed and data concerning them noted. It was a part of the business of the LaFayette office to receive and take charge of both the Ohio notes and the Indiana notes, to make a list of the same, to keep them permanently, to know when either interest or principal was due, and to see that both principal and interest was collected or the note renewed. Neither the Ohio nor the Indiana notes had any other home or permanent location than the LaFayette office.

IV.

FINDINGS OF INDIANA COURT.

The trial court must have found, and as a matter of fact did find, that the facts were as herein set out. So much of the opinion of the State Supreme Court as relates to the facts is here submitted:

> "The underlying controversy in this case relates to the taxation of certain notes secured by mortgage styled in the record, 'The Ohio Notes.' In 1895 the auditor of Tippecanoe County, after giving notice to the executors of said estate and to appellant, entered upon the duplicate of said county, as omitted property, assessments against said estate, based on said notes, for the years and in the amounts following:
>
> | | |
> |---|---|
> | 1884 | $32,329.08 |
> | 1885 | 98,131.00 |
> | 1886 | 129,885.00 |
> | 1887 | 198,612.00 |
> | 1888 | 241,457.00 |
> | 1889 | 221,599.00 |
> | 1890 | 282,524.00 |
> | 1891 | 311,944.00 |
> | 1892 | 369,636.00 |
> | 1893 | 309,858.00 |
>
> "The auditor also extended taxes upon said assessments aggregating, aside from penalties, $36,357.71.
>
> "During the years above mentioned, and for a considerable time prior thereto, the decedent was in life, and was domiciled in, and a resident of, the State of New York. During the period cov-

ere by said assessment he had a sum approximating $750,000 invested in Ohio and Indiana, much of which was loaned upon notes secured by mortgage upon real estate. For the purpose of collecting the principal and interest on his outstanding investments, and to reinvest the moneys so received, he had an agent in Cincinnati and another in LaFayette. The Cincinnati agent commenced loaning decedent's money about 1860, and upon the removal of decedent to New York, about 1870, until his death in 1893, said agent made investments on decedent's behalf in Ohio, collected principal and interest upon his mortgage loans, and had general charge of his financial interests in that State. The notes on which said assessment was based were made payable to decedent in Ohio, in from three to five years after their execution, and were secured by mortgage on real estate situate in said State.

"James Buck was the agent of decedent at LaFayette during the years from 1884 to 1893. Aside from his duties in respect to Indiana business, Buck kept the Ohio notes involved in said assessment, together with the mortgages securing said notes, in his possession at LaFayette, Indiana, from the time the mortgages were recorded until the notes were due, except that the notes were sent to the Ohio agency to have interest payments indorsed upon them, and except that the notes and mortgages were sent to Ohio just before the first day of April in each year, the Ohio agent returning them a few days afterwards. It was the business of Buck, aside from keeping said notes and mortgages safely, to keep memoranda of the loans rep-

resented by them, and of the transactions concerning them, in a register and to forward said instrument as above indicated.

"It is the theory of appellants that the Cincinnati agent had the legal control of the Ohio notes and mortgages at all times, and that they were sent to LaFayette merely for safekeeping and for clerical convenience. If we were required to accept the conclusions of the two agents, as set out in the transcript of the evidence, as to who had control of said paper, appellant's theory would be maintained by the record, but the court below was authorized to make the opposite deduction from the uniform course of the business in respect to the keeping of said notes and mortgages and from the evidence that decedent gave the direction which established the practice that was pursued in that particular. More than that, the evidence clearly warranted the conclusion that Buck was vested with a control of said notes and securities for the purpose of enabling decedent to escape taxation in Ohio. We must therefore conclude, in support of the general finding, that the court below found that in the conducting of the business of the Ohio agency the decedent separated from said business the possession of said notes and mortgages and vested the right to such possession in said Buck. There was no return for taxation of said notes, or of the investments represented by them, either in Ohio or in New York during the lifetime of the decedent." Record, p. 1055.

"The evidence in this case warranted the conclusion that the agent in Ohio had no general right of possession which would have enabled him

to recall the notes at any time; that his right of possession was limited to the times when the principal or interest was due and to assessment days in Indiana. It is to be recollected that whatever measure of possessory right the Indiana agent had over the notes was in necessary diminution of the possession which might be lawfully had of them by the agent in Ohio. It appears that the possession of the notes in Indiana was the substantial one, while that in Ohio was never more than ephemeral and in some instances merely fugitive. Such possession as the Ohio agent had, assuming that he had no general right of control, was not sufficient to establish the situs of the notes there, as between that State and the one where they may be practically said to have been kept and where an essential part of the business of the agency, as it was actually constituted, was carried on.

"If it satisfactorily appears that neither New York nor Ohio was the proper place for the assessment of said notes, then it must needs be that the appropriate situs for their taxation was in this State.

"Indiana has just grounds on which to claim the situs of said notes. It was the only State in which they were generally kept; they were kept in the hands of an agent here, in the office of decedent, in connection with a business that, however limited as applied to this State, was of a permanent character, and a component part of an entire business sufficiently broad to give such notes a situs other than the domicile of the owner. The additional elements of a power over the paper to surrender it upon payment and to re-invest the proceeds

serve to mark more plainly a business situs, but in this case, where a single business had, for the purpose of transacting it, been split up between two States, we think that the State which not only furnished protection, but which had within it, practically at all times, the concrete evidences of the indebtedness, that alone, so far as the credit was concerned, was subject to taxation, may be treated as the proper situs for the assessment of such paper. This is not a case of notes sent into the State by their owner for safekeeping and clerical convenience merely. The business done by Buck concerning said notes would have clearly been a part of the Ohio business, had it been done in Ohio, but as Buck's duties relative to said notes were transacted in Indiana, as they were required to be, such duties, while attached to the same business, were really a part of an interstate business. That business, as before stated, was of such character as to localize said notes for the purpose of taxation, and the court is therefore called upon to determine the situs of the notes pertaining to the business as between the States in which the business was transacted." Record, p. 1064.

"Furthermore, as it was decedent's purpose to avoid localizing said notes in Ohio, by keeping them in this State, the intent must be imputed to him to establish a situs for that portion of his wealth here, and in a case where the tangible evidences of a man's investments are kept here permanently, in the hands of an agent, to escape taxation elsewhere, we perceive no reason why it would be unjust to him to hold that his paper was within the State." Record, p. 1065.

V.

PROPOSITIONS OF LAW.

1. The State can not be deprived of its right to tax property within its jurisdiction by the owner thereof removing the property temporarily out of its jurisdiction for the purpose of avoiding taxation thereon.

Dundee Company v. School District, 19 Fed. 368;
Savings Society v. Multnomah Co., 169 U. S. 421;
Connecticut Co. v. Town of Monroe, 52 Atl. R. (N. H.) 942;
H. M. Loud & Sons Lumber Co. v. Elmer Township, 123 Mich. 61;
Shotwell v. Moore, 129 U. S. 596;
Ogden, Treas., v. Walker, 59 Ind. 460;
Senour v. Matchett, 140 Ind. at 640;
Crowder v. Riggs, 123 Ind. at 160;
Diamond Match Co. v. Ontonagon, 188 U. S. at 91.

2. In determining what the law of a State is, this Court will look not only at the State Constitution and statutes, but at decisions of its highest court giving construction to them, and the construction given the statute of a State by its highest court will be adopted by this Court.

Wade v. Travis County, 174 U. S. at 508;
New Orleans v. Stempel, 175 U. S. at 316;
Stockard v. Morgan, 185 U. S. at 30;
Williams v. Parker, 188 U. S. at 504;

Williams v. Eggleston, 170 U. S. at 311;
Board of Liquidation v. Louisiana, 179 U. S. at 638;
Yazoo & Mississippi Valley Railroad Co. v. Adams, 181 U. S. at 583;
Mead v. Portland, 200 U. S. at 164;
Armour Packing Co. v. Lacy, 200 U. S. at 234;
Armour Packing Co. v. Lacy, 200 U. S. at 236.

3. The General Assembly of Indiana has power to make notes, mortgages, bonds and other evidences of indebtedness taxable. The question as to the taxability of such property is therefore one of will or intention and not of power.

Hart v. Smith, 159 Ind. at 185, 188, 193;
Gallup v. Schmidt, 154 Ind. at 203;
Western, etc., Co. v. Halliday, 110 Fed. at 264;
Pullman's, etc., Co. v. Commonwealth of Pennsylvania, 141 U. S. 18;
Finch v. County of York, 26 N. W. R. (Neb.) at 590;
Hutchinson v. Board, 23 N. W. R. (Ia.) at 250;
Tappan v. Merchants' Bank, 19 Wallace, 490;
Savings Society v. Multnomah Co., 169 U. S. 421;
Coe v. Errol, 116 U. S. 517.

4. Notes, mortgages, bonds and other evidences of indebtedness are "property" within the meaning of the Con-

stitution, and ought to be assessed for taxation. In the construction of the legislative scheme of taxation the Court ought to impute to the General Assembly an intent to obey the constitutional mandate if its enactments fairly admit of such construction.

Hart v. Smith, 159 Ind. at 185.

5. The Act of 1891 does not limit the taxation of promissory notes, mortgages and other evidences of indebtedness to those owned by inhabitants of this State. On the contrary, it provides for the listing and assessment of all such evidences of indebtedness found within the jurisdiction of the State, without regard to the domicile of the owner.

Acts 1891, p. 199, Sec. 3;
Acts 1891, p. 199, Sec. 4;
Acts 1891, p. 201, Sec. 8;
Acts 1891, p. 201, Sec. 11;
Acts 1891, p. 204, Sec. 19;
Acts 1891, p. 209, Sec. 44;
Acts 1891, p. 210, Sec. 48;
Acts 1891, p. 211, Sec. 49;
Acts 1891, p. 212, Sec. 50;
Acts 1891, p. 213, Sec. 53;
Buck v. Miller, 147 Ind. at 589;
Senour v. Ruth, 140 Ind. at 320;
Finch v. York Co., 26 N. W. R. (Neb.), at 591;
New Orleans v. Stemple, 175 U. S. 309.

6. By the express terms of the statute "the phrase

personal property includes goods, chattels, evidences of debt and things in action."

R. S. 1901, at Sec. 1309.

7. It is not essential that *both* the *owner* and the *thing* assessed should be within the jurisdiction of the State. It is sufficient if *either* is within such jurisdiction.

Pullman's Co. v. Commonwealth, 141 U. S. 18;
Goldgart v. People, 106 Ill. at 28;
In re Romaine Estate, 127 N. Y., at 88;
In re Whiting Estate, 150 N. Y., at 29;
In re Morgan Estate, 150 N. Y., at 35;
In re Houdayer Estate, 150 N. Y., at 37.

8. The Ohio notes were not kept by plaintiff in error in LaFayette for clerical convenience. They were kept there permanently. They had at no time any other permanent location. They were kept there and held and controlled by Buck, as the agent of Nash, under such circumstances as to give them a taxable situs in Indiana.

Acts 1891, p. 199, Sec. 3;
Acts 1891, p. 199, Sec. 4;
Acts 1891, p. 201, Sec. 11;
Buck v. Miller, 147 Ind. at 589, 591, 595 and 596;
Tousey v. Bell, 23 Ind. at 426;
Schmidt v. Failey, 148 Ind. at 153;
Powell v. City, 21 Ind. at 340;
Rieman v. Shepard, 27 Ind. at 289;
Standard Oil Co. v. Combs, 96 Ind. at 183;
Board v. Standard Oil Co., 103 Ind. at 304;

Western, etc., Co. v. Halliday, 110 Federal at 263;
Dundee, etc., Co. v. School District, 19 Fed. at 368;
Billinghurst v. Spaink Co., 58 N. W. R. at 275;
Walker v. Jack, 88 Federal R. 578;
Hutchinson v. Board, 23 N. W. R. (Ia.) at 252;
Black Hawk v. Dorris, 90 N. W. R. (Ia.) at 90;
In re County v. Estate of Jefferson, 28 N. W. R. (Minn.) 257;
Arosin v. London Co., 83 N. W. R. (Minn.) at 340;
People v. Board, 48 New York, 390;
People ex rel. v. Smith, 88 New York, 581;
People v. Gaus, 61 N. E. R. (N. Y.) at 989;
Board v. Davenport, 40 Ill. 200;
Goldgart v. People, 106 Ill. 28;
Matzenbaugh v. People, 62 N. E. R. at 548;
Curtis v. Richland, 56 Mich. at 490;
Comptoir v. Board, 27 So. R. at 805;
Tappan v. Merchants' Bank, 19 Wallace, 490;
Pullman's, etc., Co. v. Commonwealth, 141 U. S. 18;
Savings Society v. Multnomah Co., 169 U. S. 421;
New Orleans v. Stemple, 175 U. S. 309;
Bristol v. Washington, 177 U. S. 133;
Coe v. Errol, 116 U. S. 517;

Diamond Match Co. v. Ontonagon, 188 U. S. 82;
Armour Co. v. Mayor, 41 S. E. R. (Ga.) at 237;
Connecticut, etc., Co. v. Town of Monroe, 52 Atl. R. (N. H.) 941;
Corry v. Mayor, 53 Atl. R. (Md.) 942;
State ex rel. etc., v. Mayor, 40 Atl. R. (N. J.) at 574;
State ex rel. v. Rose, 50 Atl. R. (N. J.) 364;
Bluefields Co. v. Board, 21 So. R. (La.) at 630;
In re Romaine Estate, 127 N. Y., at 88;
In re Whiting Estate, 150 N. Y., at 29;
In re Morgan Estate, 150 N. Y., at 35;
In re Houdayer Estate, 150 N. Y., at 37.

9. The notes and mortgages, upon which the assessment in this case is based, had a "business situs" in the city of LaFayette within the meaning of the law.

Acts 1891, p. 199, Sec. 3;
Acts 1891, p. 199, Sec. 4;
Acts 1891, p. 201, Sec. 11;
Buck v. Miller, 147 Ind. at 589, 591, 595 and 596;
Tousey v. Bell, 23 Ind. at 426;
Schmidt v. Failey, 148 Ind. at 153;
Powell v. City, 21 Ind. at 340;
Rieman v. Shepard, 27 Ind. at 289;
Standard Oil Co. v. Combs, 96 Ind. at 183;
Board v. Standard Oil Co. 103 Ind. at 304;
Western, etc., Co. v. Halliday, 110 Federal at 263;

Dundee, etc., Co. v. School District, 19 Fed. at 368;

Billinghurst v. Spaink Co., 58 N. W. R. at 275;

Walker v. Jack, 88 Federal R. 578;

Hutchinson v. Board, 23 N. W. R. (Ia.) at 252;

Black Hawk v. Dorris, 90 N. W. R. (Ia.) at 90;

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Arosin v. London Co., 83 N. W. R. (Minn.) at 340;

People v. Board, 48 New York, 390;

People ex rel. v. Smith, 88 New York, 581;

People v. Gaus, 61 N. E. R. (N. Y.) at 989;

Board v. Davenport, 40 Ill. 200;

Goldgart v. People, 106 Ill. 28;

Matzenbaugh v. People, 62 N. E. R. at 548;

Curtis v. Richland, 56 Mich. at 490;

Comptoir v. Board, 27 So. R. at 805;

Tappan v. Merchants' Bank, 19 Wallace, 490;

Pullman's, etc., Co. v. Commonwealth, 141 U. S. 18;

Savings Society v. Multnomah Co. 169 U. S. 421;

New Orleans v. Stemple, 175 U. S. 309;

Bristol v. Washington, 177 U. S. 133;

Coe v. Errol, 116 U. S. 517;

Diamond Match Co. v. Ontonagon, 188 U. S. 82;

Armour Co. v. Mayor, 41 S. E. R. (Ga.) at 237;

Corry v. Mayor, 53 Atl. R. (Md.) 942;
Connecticut, etc., Co. v. Town of Monroe, 52 Atl. R. (N. H.) 941;
State ex rel., etc., v. Mayor, 40 Atl. R. (N. J.) at 574;
State ex rel. v. Rose, 50 Atl. R. (N. J.) 364;
Bluefields Co. v. Board, 21 So. R. (La.) at 630;
In re Romaine Estate, 127 N. Y., at 88;
In re Whiting Estate, 150 N. Y., at 29;
In re Morgan Estate, 150 N. Y., at 35;
In re Houdayer Estate, 150 N. Y., at 37.

10. Bank bills, municipal bonds, promissory notes and real estate mortgages have such a concrete form that they are subject to taxation where found, irrespective of the domicile of the owner. If such evidences of indebtedness are kept for an indefinite period, and are given a permanent location within the limits of the State, they are subject to taxation.

Buck v. Miller, 147 Ind. 586;
Tousey v. Bell, 23 Ind. at 426;
Western, etc., Co. v. Halliday, 110 Fed. at 264;
Black Hawk v. Dorris, 90 N. W. R. (Ia.) at 90;
Arosin v. London Co., 83 N. W. R. (Minn.) at 340;
People v. Board, 48 New York, 390;
People, ex rel. v. Smith, 88 N. Y., at 581;
People v. Gaus, 61 N. E. R. (N. Y.) 989;
Comptoir v. Board, 27 So. R. (La.) at 805;

Armour, etc., Co. v. Mayor, 41 S. E. R. (Ga.) 237;
Tappan v. Merchants' Bank, 19 Wallace, 490;
Pullman's, etc., Co. v. Commonwealth, 141 U. S. 18;
Savings Society v. Multnomah, 169 U. S. 421;
New Orleans Co. v. Stemple, 175 U. S. 309;
Bristol v. Washington, 177 U. S. 133;
City of Vicksburg v. Armour Co., 24 So. R. (La.) at 224;
Wagoner v. Whaley, 50 S. W. R. (Tex.) at 154;
Kelley v. Rhodes, 63 Pac. R. (Wyoming) at 938;
Fennel v. Pauley, 83 N. W. R. (Ia.) at 769;
Hardesty v. Fleming, 57 Texas, 395;
In re Romaine Estate, 127 N. Y., at 88;
In re Whiting Estate, 150 N. Y., at 29;
In re Morgan Estate, 150 N. Y., at 35;
In re Houdayer Estate, 150 N. Y., at 37;
Monongahela R. C. C. & C. Co. v. Board of Assessors, 39 So. 601;
People, etc., v. Wells, 77 N. E., at 20.

11. No question in the case at bar, apart from the specific constitutional objection that the assessment of the property in issue contravenes Section 1, Article 14, of the Federal Constitution, is subject to review in this Court.

Blackstone v. Miller, 188 U. S. at 207.

12. The assessment of the property in issue in this cause does not contravene Section 1, Article 14, of the Federal Constitution.

Acts 1891, p. 199, Sec. 4;
Sec. 1, Art. 14, U. S. Constitution;
Pullman's, etc., Co. v. Commonwealth, 141 U. S. 18;
New Orleans v. Stemple, 175 U. S. 309;
Savings Society v. Multnomah Co., 169 U. S. 421;
Comptoir, etc., Co. v. Board, 27 So. R. 805.

VI.

NO CONSTITUTIONAL QUESTION INVOLVED.

The sole question submitted to this Court is this: Do the statutes of the State of Indiana authorizing the assessment of the property in question, and the decision of the Supreme Court construing and upholding said statutes, contravene Section 1, Article 14, of the Constitution of the United States,

1. By taking property without due process of law;
2. By denying to plaintiff in error and his testator the equal protection of the laws;
3. By giving to an inhabitant, resident and citizen of Indiana an immunity from taxation denied to an inhabitant, resident and citizen of New York.

As we have already shown, this question can not be answered upon the hypothesis of fact set out by counsel for plaintiff in error, in the assignment of errors relied on, because the facts are essentially different from those contained in the hypothesis named.

Briefly stated, the question must be answered upon these facts: Job M. Nash, a resident of the State of New York, being the owner of some $750,000 of money, employed an agent in the State of Ohio to invest a portion of said funds in bonds, stocks and notes secured by mortgage upon real estate in Ohio. He also appointed an agent in the State of Indiana to invest a large portion of said money in bonds and notes secured by mortgage upon real estate

in the State of Indiana. Both these agencies were continued for a period of many years. The investments made by the Ohio agent aggregated $400,000 or $500,000; the investments made by the Indiana agent aggregated $200,000 or $300,000. Nash kept no office of his own in Ohio. He did keep an office during the entire term of the Indiana agency in the State of Indiana. He owned the furniture, the books of account and the safes in the Indiana office. He paid his agent a stipulated compensation and executed to him a power of attorney, clothing him with full authority to cancel, negotiate or sell all notes coming into his possession, and to release all mortgages securing such notes whenever the debt represented by any one of them should be satisfied. He caused a large portion of the Ohio notes aggregating $300,000 or $400,000, to be transferred to his Indiana agent, and gave him full power and authority over them. They were transferred to and held by the Indiana agent in the office of Nash in the State of Indiana, during a number of years. None of the Ohio notes were returned for taxation or assessed either in the State of New York or in the State of Ohio during the lifetime of Nash. He chose the State of Indiana as the permanent abiding place for the portion of the Ohio notes sent to Indiana. He selected Indiana as the permanent situs of these notes with the purpose and intent of avoiding payment of taxes in the State of Ohio. He succeeded in his purpose and did avoid the payment of taxes in said State during his lifetime. After the Ohio notes had been in Indiana for three or four years, upon advice

from his Indiana agent that he (the agent) would return all such notes in his possession on the first day of April, for taxation in Indiana, Nash ordered the Ohio notes put in a package and sent out of the State of Indiana a day or two before the taxing date, and caused them to be returned to the Indiana agent two or three days after the taxing date, in the original package which remained unbroken. His purpose in temporarily removing these notes on the first day of April was to prevent his agent from returning said notes for assessment, and to escape taxation in the State of Indiana. In this he succeeded during his lifetime. None of the Ohio notes in controversy were assessed anywhere during his lifetime.

These are the facts in the light of which the constitutional question propounded to this Court must be answered:

1. Because, the lower court and the Supreme Court of the State of Indiana have found them to be true, and the State courts having determined the facts, this Court is bound by their finding.

Blackstone v. Miller, 188 U. S. at 207.

2. Because, the facts as above set out, as we have already shown in this brief, are conclusively shown by the evidence and the record—so conclusively shown, in fact, as not to permit of two opinions or debate.

Counsel for the plaintiff in error contends that the taxation of notes held as these notes were held, was not provided for by statute; that the State Court "judicially amended" the statute and by its decision held

"That as taxable property which the statute purposely obliterated from the list of taxable things in Indiana; and, so doing, * * * acted beyond its lawful powers."

The Indiana statute clearly makes provision for the assessment of this property. It provides that

"All personal property within the jurisdiction of this State shall be assessable."

Section 3, Indiana Tax Act, 1891.

The statute also provides

"For the purposes of taxation, * * * personal property shall include all goods and chattels within the State, * * *; all indebtedness due to inhabitants of this State * * * whether such indebtedness is due from individuals or from corporations, public or private, and whether such debtors reside within or without this State."

Section 4, Indiana Tax Act, 1891.

Section 11:

"All personal property shall be assessed to the owner in the township, town or city of which he is an inhabitant * * * with the following exceptions: * * *

"Fourth: Personal property of non-residents of the State shall be assessed to the owner or person having control thereof in the township, town or city where the same may be."

Acts 1891, p. 201.

Section 19:

"Persons required to list property on behalf of others, shall list it separately from their own, specifying in such case the name of the persons, society, company or corporation to which it belongs."

Acts 1891, p. 204.

Section 44:

"In entering personal property upon the proper tax books for the purpose of taxation, it shall be a sufficient description of the same to use the words 'personal property,' and such phrase shall comprehend and embrace all species of personal property belonging to the party charged therewith on the tax books and no more specific description or designation thereof shall be necessary."

Acts 1899, p. 209.

Section 48:

"The assessor shall call upon each person required by this act to be assessed, and furnish him or her with the proper blanks for the purpose, and thereupon such person shall make to said assessor a full and complete description of all the personal property of which such person was the owner, * * * and such person shall also at the same time, make separate, full and true statements in like manner, in writing, distinctly setting forth in each a correct description of all the personal property held, possessed or controlled by him as executor, administrator, guardian, trustee, receiver, partner, agent, attorney, president or accounting

officer of a corporation, or consignee, pawn broker, or in any representative or fiduciary capacity. * * *"

Acts 1891, p. 210.

Section 50:

"Every person required by this act to make or deliver such statement or schedule shall set forth an account of the property held or owned by him as follows:

"PERSONAL PROPERTY—CREDITS.

"* * *.

"Second. All bonds, notes, mortgages, accounts, demands, claims and other indebtedness owing to such person, whether such indebtedness is owing from individuals, or from corporations, public or private, and whether such debtors reside within or without this State."

Acts 1891, p. 212.

Section 53:

"The schedule, * * * shall be in the following form, * * *:

"SCHEDULE.

Of all property held by ....., of ..... township, ... county, Ind., on the first day of April, 189..:

PERSONAL PROPERTY—CREDITS.

No.	Description of property.	Valuation by party.	Valuation by Assessor.
2.	All bonds	$.....	$.....
3.	All notes secured by mortgage	$.....	$.....
4.	All other notes.....	$.....	$.....

State of Indiana, ... County—ss:

"I, ..., being duly sworn, say to the best of my knowledge, information and belief the foregoing statement contains a true, full and complete list of all property held or belonging to me."

Acts 1891, p. 213.

From the above provisions of the statute it is apparent that the act in question points out notes and mortgages as being among the things to be taxed, and furnishes the means of assessing the same.

It is clearly contemplated that nonresidents of the State should be taxed upon all personal property within the State, as indicated by the fourth clause of Section 11, and that where a nonresident dies owning property within the State the same shall be taxed, as provided for in the sixth subdivision of said section, and that personal property, whether the property of a nonresident or a resident, under the control of an agent, shall be assessed to such agent, as provided by the seventh clause of said section. That such property shall be listed by the person having its possession or control, and that the same shall be listed separately from his own, as provided by Sections 19 and 48. That the term "personal property" shall include all goods

and chattels, and all indebtedness, as provided by Sections 4 and 44.

The act provides, as we have seen, the form of schedule, and in this schedule all bonds, notes, mortgages, accounts, demands, claims and other indebtedness owing such person are required to be returned without regard to the place of the domicile of the owner. It is also to be noted that ownership of the property is not essential to its assessment. Throughout the statute we have the words "held or owned"; "held or belonging"; "held, possessed or controlled," and "person having control thereof." The evident purpose and intent of the statute being to include all property within the State, both real and personal, and whether in the hands of the owner or in the hands of an agent, and whether owned by an inhabitant of the State or a nonresident thereof. We do not understand what further provision could have been made by the Legislature for the assessment of the class of property in issue in this cause than has been made by the several sections of the Act of 1891 when taken together. Notes and mortgages are chattels within the meaning of said act. The word "indebtedness" as used in Section 4 of said act, does not include the evidences of indebtedness, such as notes, bonds, mortgages, etc. A note or a mortgage is a chattel. It is a thing distinct, separate and apart from the intangible debt it evidences and represents. It has concrete form as much as a horse, a sheep or a cow. It can be replevied and levied upon or attached. It is the subject of manual handling, can be possessed and passed from hand to hand.

It will be seen that the act of 1891 includes notes and mortgages whether owned by residents or nonresidents, if within the jurisdiction of the State, in the schedule required to be returned by the taxpayer.

The Supreme Court of the State of Indiana has construed this statute and has held it to include such property.

Senour v. Ruth, 140 Ind. at 320;
Buck v. Miller, 147 Ind. at 589;
Buck v. Beach, Case at Bar.

We quote from opinion of the court in the case at bar, as follows:

> "As applied to this State it may be said that where it appears that the proper situs of property is here, the effect of our constitutional provision relative to taxation (Sec. 1, Art. 10), is to create a presumption of a legislative purpose to tax. As an aid therefore to the construction of the acts of 1881 and of 1891, we look to the question as to whether the appropriate State for the taxing of said notes was New York, Ohio or Indiana. * * *
>
> "In view of all the circumstances surrounding the keeping of said notes in Indiana, and of the purpose in so doing, it is not only our opinion that the situs of said notes was within the governmental subdivision on behalf of which appellee acted, but also that so far from straining against a construction of the enactments from which the authority to assess must be derived, if it exists, we ought rather to give weight to the presumption that the General Assembly has done its plain duty in the premises, by providing for the assessment of the property.

"Section 6271, R. S. 1881, provided: 'All real property within this State, all personal property owned by persons residing in this State (whether it is in or out of this State), and all personal property within this State owned by persons not residing in this State, subject to the exceptions hereinafter stated, shall be subject to taxation.' Section 6273, supra, provided that 'the terms *personal estate* and *personal property,* as used in this act, shall be construed to include * * * (among other things) all rights, credits and choses in action.' Provision was made for agents listing property. §§6297, 6330, supra. The schedule of said act was sufficiently broad to cover property which could not be listed as money loaned. See items 81 and 82; §6336, supra.

"Turning now to the act of 1891, we find that §8410, Burns, 1901, provides that 'all property within the jurisdiction of this State, not expressly exempted, shall be subject to taxation.' Provision is made in said act for agents listing property. §§8429, 8458, supra. It is also provided that 'personal property of nonresidents of the State shall be assessed to the owner or to the person having control thereof in the township, town or city where the same may be, except that where such property is in transit to some place within the State, it shall be assessed in such place.' §8421, supra. All notes are required to be valued in the schedule (§8460, supra), and that instrument must be attested by an oath that it 'contains a true, full and complete list of all property held or belonging to' the person making the same. §8463, supra. See 8676, supra, provides as follows: 'The

State Board of Tax Commissioners is hereby authorized to prepare for the use of assessors a more complete and perfect form of *schedule of property* than that set out in §53 of this act, with a view of securing a full assessment of all the property of the State.' Counsel for appellant contend that §8410, supra, is limited in its operation by the section which follows it. Segregating these two sections from the balance of the act, the contention mentioned might seem plausible, but the whole act must be read together, and, especially in view of the section last quoted, we are constrained to the conclusion that it was not the purpose in the enactment of §8411 to give a particular enumeration of all of the kinds of property which the act subjects to taxation.

"Referring now to both acts, we are of opinion that each is broad enough, the situs of the notes being within the State, to warrant the holding that said notes were subject to taxation here, and reading said acts in the light of the constitutional requirement above referred to we deem it clear that the construction indicated is proper. Indeed, it is our opinion that as to any property having a definite and established situs within the State, the onus is on the person objecting to its assessment to point out some reason compelling the conclusion that the legislature has not subjected the property to taxation."

It has been frequently held that the construction given the statute of a State by its highest court, will be adopted by this Court.

Stockard v. Morgan, 185 U. S. at 30;

Williams v. Parker, 188 U. S. at 504;
Williams v. Eggleston, 170 U. S. at 311;
Board of Liquidation v. Louisiana, 179 U. S. at 638;
Yazoo & Mississippi Valley R. R. Co. v. Adams, 181 U. S. at 583.

Where the interpretation of a local statute involves no federal question, this Court will accept the interpretation given it by the Supreme Court of the State.

Mead v. Portland, 200 U. S. at 164.

This Court has refused to interfere with the conclusion expressed by the highest court of the State that under the provisions of the State Constitution, a tax is uniform when it is equal upon all persons belonging to a prescribed class upon which it is imposed.

Armour Packing Company v. Lacy, 200 U. S. at 234.

Where a State court held that an act of its State legislature did not violate the State Constitution, this Court declared its decision not subject to review.

Armour Packing Company v. Lacy, 200 U. S., at 236.

In that case His Honor, Chief Justice Fuller, speaking for the court, said:

"With that conclusion it is not our province, nor are we disposed, to interfere."

In another case, Mr. Justice Holmes aptly said:

> "Matters of State procedure and the correctness of a New York decree or judgment, apart from specific constitutional objections, are not open here."
>
> Blackstone v. Miller, 188 U. S., at 207.

This, we submit, is an adequate answer that the State court "judicially amended" the statute or held as taxable property that which the statute purposely obliterated from the list of taxable things in Indiana, or that it acted beyond its lawful powers, or that its action presents a proper subject of review by this Court, and the statutes of the State and the decisions of its courts, clearly disclose that the taxation of the property in issue has not been made without due process of law.

We think it equally clear that neither the statutes of the State nor the decision of the State court in the case at bar, have denied to the plaintiff in error, or to his testator, the equal protection of the laws, or have given a citizen of Indiana an immunity from taxation denied to a citizen of the State of New York.

The contention of counsel for plaintiff in error is based upon the exception in Section 4 of the Tax Act of 1891, exempting from taxation the property belonging to inhabitants of Indiana actually and permanently invested in business in another State. They argue that the loaning of Nash's money in Cincinnati, by his agent, and the collection and reloaning of it constituted a real and permanent investment of Nash's property and money in business

in Ohio and that their situs for taxation was in the State of Ohio. They ignore the fact, however, that the Ohio notes were not in the State of Ohio; that the State of Ohio was not the domicile of the owner of the notes; that neither the notes themselves nor their owner were within the jurisdiction of Ohio; that they were not liable to taxation under such circumstances in Ohio; that they were purposely separated from the Ohio business by their owner and a situs given them in the State of Indiana for the purpose of avoiding liability for taxation in Ohio; that they were never removed from their Indiana location.

The State Supreme Court, in the case at bar, said:

> "As an aid therefore to the construction of the acts of 1881 and of 1891, we look to the question as to whether the appropriate State for the taxing of said notes was New York, Ohio or Indiana.
>
> "As to the first named State, it would appear that if the notes and the agency had been united in another State, the doctrine laid down by the New York Court of Appeals would have relieved the owner of liability to pay a tax on the notes in New York, provided, of course, that the statute remained as it was. In view of the abiding character of the Ohio agency and of its nature and extent, and of the fact that the notes were kept in this State in the hands of an agent, as a part of said business, and in the office of the decedent, it cannot be held that the owner did not separate the notes from his domicile, so far as concerns protection of the property, the most potent element in

natural justice on which taxation can be based, it appears that New York can not assert that reason for exacting a tax. Indeed, it could not reach the property, but only its owner; a power that ought to be the first to yield.

"As to the State of Ohio, it is first to be considered that the mere fact that it was the State where the debts existed did not authorize it to tax the investments: State Tax on Foreign Held Bonds, 15 Wall. 390; Senour v. Ruth, 140 Ind. 318. In the Federal case above cited it was said: 'Corporations may be taxed, like natural persons, upon their property and business. But debts owing by corporations, like debts owing by individuals, are not property of the debtors in any sense; they are obligations of the debtors and only possess value in the hands of the creditor. With them they are property and in their hands they may be taxed. To call debts the property of debtors is simply to misuse terms.' Since the above case was decided, the same court held in Savings Society v. Multnomah Co., 169 U. S. 421, that for the purposes of taxation it is competent for the State to tax the interest of a mortgagee of real property at the place where the land is situated, relieving the owner of the land pro tanto, but that the case proceeded on the theory that as a mortgage is a defeasible conveyance of the fee, it is therefore competent to tax such interest. Doubtless it would have been within the authority of the State of Ohio to have established an excise tax upon the permanent business of loaning money in the State. It may be possible that as to moneys which have been made permanently a part of the capital of

the State it would have been competent to have enacted a law requiring agents in such circumstances to return such capital, on behalf of the owner, as moneys loaned, although we have not found any case which goes that far. Whether any such exceptional enactment exists in the State of Ohio, we are not informed, and it is really immaterial as to what the fact is in such particular, for it will be perceived that neither of such forms of taxation would tax either the note or the credit. In the enforcement of its revenue system this State can not defer to any possible law which might be upon the statute books of another State indirectly subjecting the same property to taxation. Our chief concern in entering on the inquiry as to whether the decedent was subject to taxation on his property in Ohio was to guard against a holding that the notes were taxable here (assuming that such construction were admissible), if upon well established principles concerning notes obtaining a business situs it was evident that holding such property liable here would result in double taxation. All of the cases involving business situs that we have examined are cases where the notes were in the hands of the agent. Indeed, under any ordinary statute, merely authorizing the taxation of property in the possession of an agent, we do not perceive how he could be assessed except upon the notes. If the latter had a situs elsewhere, it would result that in such circumstances the investment would escape taxation. See People v. Davis, 112 Ill. 272. We shall therefore look to the question as to the situs of the notes.

"The evidence in this case warranted the conclusion that the agent in Ohio had no general right of possession which would have enabled him to recall the notes at any time; that his right of possession was limited to the times when the principal or interest was due and to assessment days in Indiana. It is to be recollected that whatever measure of possessory right the Indiana agent had over the notes was in necessary diminution of the possession which might be lawfully had of them by the agent in Ohio. It appears that the possession of the notes in Indiana was the substantial one, while that in Ohio was never more than ephemeral and in some instances merely fugitive. Such possession as the Ohio agent had, assuming that he had no general right of control, was not sufficient to establish the situs of the notes there, as between that State and the one where they may be practically said to have been kept, and where an essential part of the business of the agency, as it was actually constituted, was carried on.

"If it satisfactorily appears that neither New York nor Ohio was the proper place for the assessment of said notes, then it must needs be that the appropriate situs for their taxation was in this State.

"Indiana has just grounds on which to claim the situs of said notes. It was the only State in which they were generally kept; they were kept in the hands of an agent here, in the office of decedent, in connection with a business that, however limited as applied to this State, was of a permanent character, and a component part of an entire business sufficiently broad to give such notes

a situs other than the domicile of the owner. The additional elements of a power over the paper to surrender it upon payment and to reinvest the proceeds, serve to mark more plainly a business situs, but in this case, where a single business had, for the purpose of transacting it, been split up between two States, we think that the State which not only furnished protection, but which had within it, practically at all times, the concrete evidences of the indebtedness, that alone, so far as the credit was concerned, was subject to taxation, may be treated as the proper situs for the assessment of such paper. This is not a case of notes sent into the State by their owner for safe keeping and clerical convenience merely. The business done by Buck concerning said notes would have clearly been a part of the Ohio business, had it been done in Ohio, but as Buck's duties relative to said notes were transacted in Indiana, as they were required to be, such duties, while attached to the same business, were really a part of an interstate business. That business, as before stated, was of such a character as to localize said notes for the purpose of taxation, and the court is therefore called upon to determine the situs of the notes pertaining to the business as between the States in which the business was transacted.

"We regard the proper situs of the paper as the place where it was located in fact. The theory of appellant's counsel that notes of a nonresident are only taxable in the event that they represent business done in the State is fallacious. The assessment is in this instance based on the paper representatives of credits; on the theory that the

concrete evidence of a credit, which may be seen, handled and replevied, which is protected by the law, and which so far represents the demand that a mere delivery of it may carry an equitable right to receive the benefit of the promise may appropriately be subjected to assessment in the State where it is kept, provided that the circumstances of the keeping are such as to separate it from the domicile of its owner. If this be the correct theory, the State in which the note is not kept, and not protected, where it can not be seen, handled or replevied, or subjected to manual delivery, is not the State which may most appropriately tax the note.

"There can be nothing in the theory that the State where the note is payable continues to protect it, though absent, by holding out a remedy for its ultimate enforcement, for constitutional provision has placed it beyond the power of the State to impair the contract. Neither can it be held that the State where the note is given may tax it on the theory that it is the place of its business nativity, for this would enable the State to tax notes executed in the State, not connected with any business agency, and in the hands of nonresident principals—a proposition which all of the authorities deny.

"Furthermore, as it was decedent's purpose to avoid localizing said notes in Ohio, by keeping them in this State, the intent must be imputed to him to establish a situs for that portion of his wealth here, and in a case where the tangible evidences of a man's investments are kept here permanently, in the hands of an agent, to escape tax-

ation elsewhere, we perceive no reason why it would be unjust to him to hold that his paper was within the State.

"In view of all the circumstances surrounding the keeping of said notes in Indiana, and of the purpose in so doing, it is not only our opinion that the situs of said notes was within the governmental subdivision on behalf of which appellee acted, but also that so far from straining against a construction of the enactments from which the authority to assess must be derived, if it exists, we ought rather to give weight to the presumption that the General Assembly has done its plain duty in the premises, by providing for the assessment of the property. * * *

"Appellant's counsel further contend that the act of 1891 would be invalid as discriminating against nonresidents, if it were held that provision had been made by said act for the assessment of notes held as these notes were, since Section 4 of said act (§8411 Burns 1901) contains an exemption in favor of residents, by the provision that for the purposes of taxation personal property shall be held to include 'all goods, chattels and effects belonging to inhabitants of this State situate without this State, except property actually and permanently invested in business in another State, shall not be included.' This provision was not designed to give an advantage to residents of this State by way of avoiding taxation, but it merely represents an act of comity, by which this State yields in a measure its taxing power over the owner, to avoid double taxation, in a class of cases where in all probability the other State is

taxing the business or the property invested therein. To give appellant a standing to complain, assuming that said section could in any circumstances offend against the provisions on which his counsel rely, it occurs to us that he ought to show that his decedent's property was liable to taxation elsewhere. But it is not because the owner of said notes was a nonresident that our minds incline to the conclusion that the notes were subject to assessment in Indiana, but because the notes had a situs here. How our statute thus construed could be held to be discriminative as against a nonresident we are at a loss to understand. This State has merely created an exemption in favor of its own citizens from the burdens of taxation here on a class of property having its permanent situs elsewhere. Just such an exemption, we are led to infer, was created in favor of decedent and those in like situation by the laws of the State of New York. In other words, by said section this State has released its citizens from a burden at home based on the theory that they would be subjected to taxation elsewhere, and the same right which we recognize as existing in another State to tax the property of our citizens if it is permanently located therein is the right which this State asserts against nonresidents who establish the situs of their property here. This is not discrimination, but perfect fairness."

See also Pullman, etc., v. Commonwealth, 141 U. S. 18;

New Orleans v. Stemple, 175 U. S., 309;

Savings Society v. Multnomah Company, 169 U. S. 421;

Comptoir, etc., Company v. Board, 27 So. R., at 905;
Blackstone v. Miller, 188 U. S., at 207.

Neither the statute nor the decision of the court imposed a burden on the plaintiff in error, or upon his testator, that is not borne by every citizen of the State of Indiana who holds like property. If a citizen of the State of Indiana had owned these notes taken by an agent in Ohio, doing business for him, precisely as these notes were taken by Nash's Ohio agent, and he had brought them out of the State of Ohio into Indiana, separating them from the Ohio business as Mr. Nash separated them, for the purpose of avoiding taxation on them in Ohio, and had kept them permanently in the office in the State of Indiana where he lived, and in his own possession except on the first day of April, and had, prior to said first day of April, sent them out of the State, as Nash sent them out of the State, for the purpose of evading taxation in Indiana, and had them returned a day or two after the first day of April in the original package, unbroken, as Nash had them returned, it is certainly clear that they would be taxable. If this is true, then how can it be said that a burden is placed upon the plaintiff in error or upon his testator, that under like circumstances is not borne by a citizen of Indiana, or how can it be said that an immunity from taxation is afforded a citizen of Indiana that is denied the plaintiff in error or his testator, as a citizen of New York?

Counsel have argued at length that notes and mort-

gages being only evidences of debt, are of themselves intangible property, without value, and untaxable. That, however, is not the law.

PROMISSORY NOTES AND MORTGAGES ARE TANGIBLE PROPERTY.

Bank bills, municipal bonds, promissory notes and real estate mortgages have such a concrete form that they are subject to taxation where found irrespective of the domicile of the owner. If such evidences of indebtedness are kept for an indefinite period, and are given a permanent location within the limits of the State, they are subject to taxation.

This principle is applied to goods and chattels, such as horses, cattle, sheep, hogs, grain and all tangible property other than bonds, notes and mortgages in all States, we believe, without an exception.

That this is true in our State we have already seen by the decisions in the cases hereinbefore cited.

Powell v. City, 21 Ind. at 340;
Rieman v. Shepard, 27 Ind. 289;
Standard Oil Co. v. Combs, 96 Ind. at 183;
Board v. Standard Oil Co. 103 Ind. at 304.

In the case of Gallup v. Schmidt, 154 Ind. at 203, it is said:

> "The right to tax property is a sovereign right reserved to the jurisdiction charged with the duty of its protection; and the authority of a taxing district to require all classes of property sheltered

by it to pay their ratable proportion of the expense of maintaining the government is unaffected by the residence of the owner.

"The Legislature has plenary power to create a tax for public revenue against all property located in the State."

In a recent Texas case it was urged that certain cattle sought to be assessed had not acquired a situs in Texas; that they were there only temporarily and were in fact only in transit to Chicago under a through bill of lading. The court said:

"We are not inclined to hold that cattle in Texas, while being fattened in the owner's pens for the outside markets, are too transient to have a situs and be taxable here. * * * If the owner may be allowed ninety days for feeding why may he not be allowed six months or a year or two years for grazing? In both cases the cattle may be said, figuratively speaking, to be on their way to Chicago or other market, their ultimate destination, but not in the sense of interstate commerce or of the tax laws."

Waggoner v. Whaley, 50 S. W. R. (Tex.) at 154.

In a recent Iowa case the property under consideration was cattle brought into Iowa in December for feeding purposes and only kept there until the following April. They belonged to a nonresident. The Supreme Court of Iowa held them taxable.

Fennell v. Pauley, 83 N. W. R. (Iowa) at 799.

The exact question presented by counsel has been decided squarely against them, in the case of People v. Board, 48 N. Y. 390.

There the property sought to be assessed, as heretofore shown, was a contract for the sale of lands. It was owned by a nonresident. It was kept in New York in the hands of an agent. It was not used in business, but it was physically present within the State and was being kept there indefinitely.

In re Romaine Estate, supra, the property in issue was certain securities consisting of stocks and bonds of different corporations and a mortgage upon real estate in New York City as well as several passbooks showing deposits by him in various savings banks in the same place, to a considerable amount. The owner for ten years prior to his death had been a citizen of and domiciled in the State of Virginia. The securities in issue at the time of his death and for three years prior thereto were kept in a box in a safe deposit company in the city of New York of which the decedent was the lessee.

The court held the property taxable, and in passing upon the question said:

> "Where, however, the money of a nonresident is invested in this State, as it was by Mr. Romaine in the bond and mortgage in question and in the deposits made by him in the savings banks, or where the property of a nonresident is habitually kept even for safety in this State, we think that the statute applies both in letter and in spirit. Such property is within this State in every reason-

> able sense, receives the protection of its laws and has every advantage from the government for the support of which taxes are laid, that it would have if it belonged to a resident."
>
> In re Romaine Estate, 127 N. Y. at 88.

This decision seems to us to make absolute and conclusive answer to the theory of counsel. It is right upon principle and has become the settled law in the State of New York.

In another and a later case one Augustus Whiting was a resident of and domiciled in Rhode Island, where he died. At the time of his death he had money on deposit in a bank at New York and owned certain bonds and certificates of stock that were found in a box rented by him in a safe deposit vault in New York. All these securities were physically present in that State and all were held to be subject to the tax provided for in the Collateral Inheritance Laws of that State, except the United States bonds.

Vann, J., speaking for the court, said:

> "The theory upon which the Supreme Court by a divided vote, proceeded to judgment, was that the written instruments were physically within the State and constituted property here subject to taxation. They were regarded as tangible and apparently as in the nature of chattels. I think this is a sound conclusion. * * * The main use of certificates is for convenience of transfer, and they are treated by business men as property for all practical purposes. They are sold in the market, transferred as collateral security to loans, and are

> used in various ways as property. They pass by delivery from hand to hand, are subject to larceny and are taxable generally when in the possession of an agent in this State. They are the only evidence of transfer required by corporations issuing them in order to make actual transfer on the books. There is obvious propriety in subjecting the instrument of transfer to a personal tax when it is left in this state for safe keeping. It is subject to the jurisdiction of our laws, and hence is within the intent of the personal tax act."
>
> In re Whiting Estate, 150 N. Y. at 29, 30.

Every word of the reasoning of the learned Judge from whom we have quoted in reference to certificates of stock is applicable to promissory notes and mortgages. Such reasoning clearly and conclusively supports our contention that promissory notes and real estate mortgages have such a concrete form that they are subject to taxation where found irrespective of the domicile of the owner. And that where such evidences of indebtedness are kept for an indefinite period and are given a permanent location within the limits of the State they are subject to taxation.

In another case certain bonds of foreign corporations, both registered and coupon, owned by a nonresident, were habitually kept by him in a safe deposit vault in New York. The owner died. The bonds were held subject to taxation under the Inheritance Tax Act of New York. The decision was rested upon the decision in the Whiting Estate without discussion.

In re Morgan Estate, 150 N. Y. at 35.

In another case decided by the same court it is said:

> "The right in question is property, because it is capable of being owned and transferred. It is within this State, because the owner must come here to get it. It is subject to taxation because it is under the control of our laws. It has a money value, because it is virtually money, or can be converted into money upon demand."
>
> In re Houdayer Estate, 150 N. Y. at 41.

So in the case at bar the notes and mortgages were property because they were capable of being owned and transferred. They were within this State. The owner must come to Indiana to get them. They were here. They were under the control of our laws. They had money value.

In another case, speaking of bonds placed by an insurance company with the State tax commissioner of Ohio, pursuant to the insurance laws of that State, it was said:

> "There can be no doubt, therefore, that they are property within the State, and that it is within the power of the General Assembly of Ohio to tax them in the same manner as the employed stock of domestic insurance companies is taxed."
>
> Western, etc., Co. v. Halliday, 110 Fed. at 264.

In the case of Black Hawk Company v. Dorris, supra, notes and mortgages belonging to a deceased citizen of another State were retained in Iowa by an ancillary administrator wrongfully appointed, but the court held the

property to be taxable. It was urged in behalf of the estate that upon the death of the owner and the termination of the agency in Iowa the funds in the hands of such agents were no longer held for investment and therefore ceased to be taxable there. The court said:

> "While the agency then ceased, the property remained here subject to local administration, demanding the attention and the protection of the courts; and in our judgment, until such administration was complete, and the proper order entered for the transfer of the funds to the nonresident executor, the right of taxation in this State continued. The fact, if it be a fact, that the appointment of W. W. Miller as executor was an error is entirely immaterial to the consideration of the question before us. Until that appointment was revoked he was the legal custodian of the assets of the estate within this jurisdiction, and for the time being the legal title was also in him."
>
> Black Hawk Co. v. Dorris, 90 N. W. R. (Ia.) at 91.

In another case, speaking of notes and mortgages, the court said:

> "The real question is whether at the time personal property is subject to taxation it is in the State, in the hands of an agent, who retains its possession, and deals with it here in his representative character for his principal; and this whether the owner is solvent or insolvent; whether new loans are made or the business is in fact being

closed up with the intent to remove from the State as soon as it is convenient to do so."

Arosin v. London Co., 83 N. W. R. (Minn.) at 340.

This Court, speaking upon this question, said, citing the case of the City of Orleans v. Stemple, supra:

"The syllabus of that decision declares that 'notes and mortgages, the owner of which is domiciled in another State, but they are kept within the State by an agent, may be subjected to taxation by the law of the State in which they are held.' A non-negotiable note is certainly sufficiently concrete in form to be made an object of taxation. The fact that it may be less valuable in fact than it appears on its face may affect the estimate to be placed upon it for assessment purposes. But that question is something other than the question of its being a proper object of taxation. If a person domiciled abroad were to die leaving non-negotiable notes in this State in the hands of an agent, the presence of these notes in Louisiana would authorize the opening of the Succession in Louisiana for the protection of Louisiana creditors. We think the State has as much legal right to subject them, being here, to the payment of the contribution which it justly claims from all parties receiving the protection and benefit of its laws, who operate their property here for their individual gain and benefit as any creditor hereof."

Comptoir v. Board, 27 So. R. (La.) at 805.

Again it is said:

> "It is well settled that the situs of all property—whether tangible or intangible—is, for taxable purposes, the subject of statutory regulation and control."
>
> Armour Co. v. Mayor, 41 S. E. R. (Ga.) at 238.

The proposition for which we are now contending has the sanction of this Court.

In the Stemple case, hereinbefore cited, it said:

> "It is well settled that bank bills and municipal bonds are in such a concrete, tangible form that they are subject to taxation where found, irrespective of the domicile of the owner; are subject to levy and sale on execution, and to seizure and delivery under replevin; and yet they are but promises to pay—evidences of existing indebtedness.
>
> "Notes and mortgages are of the same nature; and while they may not have become so generally recognized as tangible, personal property, yet they have such a concrete form that I can see no reason why a State may not declare that if found within its limits they shall be subject to taxation."
>
> New Orleans v. Stemple, 175 U. S. 309.

It seems to us that the above authorities, not only by the force they have as judicial decisions, but because of the reason and the principle upon which they are based, eminently justify the learned judge who tried this cause in the court below, in saying:

"It is undisputed that promissory notes are personal property within the meaning and purview of our statute on the subject of taxation. They are distinguishable in their character as property from the intangible credit which imparts value to them, and which is also personal property. Promissory notes are tangible. They can be seen. They can be handled. They are capable of separation from their owner just the same as other tangible property. They are capable of being in one State and their owner in another, or in a foreign land; and while it is true they are but evidences of debt, yet the law has clothed them with such qualities that they become articles of commerce, as much so as wheat or corn. They are subject to larceny. They may be replevied or they may be taken on execution to satisfy debt, and they are subject to destruction the same as other tangible property or thing. Not so the credit which they represent. That is intangible. It can not be seen, it can not be passed from hand to hand, it is indestructible. It is absolutely incapable of separation from the person of the creditor. These notes in question in this case might have been burned up, and they, as property, would have been destroyed, but not so the credit they stand for. The debt they evidenced would still have remained due and owing from the debtor to Job M. Nash."

Again, speaking of the decision of the Supreme Court of New York, found in the case of People v. Ogdensburg, 48 N. Y. 390, the trial court in the case at bar said:

> "There is no pretense or claim that these contracts were held for the purpose of collection and reloaning the money due thereon by the agent. They were in the hands of the agent precisely as they would have been in the hands of the owner, and held as the owner would have held them. And so of these Ohio notes in this case. They were in the hands of the agent as vice principal; it was a part of his business to care for them. He took the owner's place with reference to them. And for the court to hold that this plain declaration of the Legislature shall receive such limitations and restrictions as not to apply to property of this character which the owner has chosen to permanently keep in his permanent place of business in this State, would amount to judicial nullification of an undoubtedly constitutional enactment of the Legislature."

For this Court to hold that the Ohio notes in issue in this case are not within the meaning of the tax law of Indiana, would be as unreasonable and as extreme as it would have been for the Supreme Court in the Keeran case to have held that the notes in the hands of an attorney in this State for collection, though belonging to a nonresident, were taxable. It is the duty of the Court to give the written enactments of the General Assembly of the State reasonable and sensible construction.

In the case at bar the State Supreme Court aptly said:

> "We regard the proper situs of the paper as the place where it was located in fact. The theory of appellant's counsel that notes of a nonresident are

only taxable in the event that they represent business done in the State is fallacious. The assessment is in this instance based on the paper representatives of credits; on the theory that the concrete evidence of a credit, which may be seen, handled and replevied, which is protected by the law, and which so far represents the demand that a mere delivery of it may carry an equitable right to receive the benefit of the promise may appropriately be subjected to assessment in the State where it is kept, provided that the circumstances of the keeping are such as to separate it from the domicile of its owner. If this be the correct theory, the State in which the note is not kept, and not protected, where it can not be seen, handled or replevied, or subjected to manual delivery, is not the State which may most appropriately tax the note.

"There can be nothing in the theory that the State where the note is payable continues to protect it, though absent, by holding out a remedy for its ultimate enforcement, for constitutional provision has placed it beyond the power of the State to impair the contract. Neither can it be held that the State where the note is given may tax it on the theory that it is the place of its business nativity, for this would enable the State to tax notes executed in the State, not connected with any business agency, and in the hands of nonresident principals,—a proposition which all of the authorities deny."

It is said by counsel for the plaintiff in error that these notes have no value in and of themselves considered sep-

arate and apart from their ownership. That, however, is not the question here presented. These notes in the hands of the owner, or of his agent, to whom they are payable, and whose property they are, do have value. What that value is, is not a question for this Court, since there is no question of overvaluation in the record. Once we concede any substantial value, the question of valuation, as the record is presented to this Court, is one solely for the taxing authorities of the State of Indiana.

In a recent New York case, it was held that promissory notes owned by a nonresident and kept within the State of New York in the regular course of business until maturity for the convenience of the owner, were taxable.

People, etc., v. Wells, 77 N. E. at 20.

This case was decided March 13, 1906. In the course of the opinion the court said:

> "It was not denied that the notes were physically in the State of New York, and it was admitted upon the argument that both the notes and open accounts were held in New York until maturity, there collected, and after collection the proceeds remitted to Dublin. * * *
>
> "It is also settled that the situs for the purpose of taxation of promissory notes and similar instruments for the payment of money, where the 'debt is inseparable from the paper which declares and constitutes it,' is the place where it is actually and physically held.
>
> "Therefore, unless these notes were in course of transmission to the home office of the relator in

> Dublin, they were properly assessed. But they were not in transitu; they were held here until maturity for the convenience of the relator, and the proceeds in part then remitted. The case does not seem to differ in principle from one where a non-resident, equally for his convenience, deposits his securities with an agent within the State for custody and collection, and in such case it has been held that such notes and securities are subject to taxation in the State where they are on deposit. It is also to be observed that in the case before us the retention of the notes in this State was not casual or exceptional, but in accordance with the relator's regular and permanent course of business."

The reasoning of this case applied to the case at bar ends the contention of the plaintiff in error.

In a Louisiana case, decided in November, 1905, the same doctrine is announced.

As to the facts the court said:

> "Plaintiff has a business located in the city of New Orleans. That business is conducted through an agent, who converts the price due for property sold in form sufficiently concrete to represent the debt and to sue thereon, should he choose so to do. The agent puts the evidence of the credit into definite shape and holds it until it is collected. He deposits the cash therefrom in bank, and it is forwarded through the bank to the home company. In other words, the coal of plaintiff is sent here to be sold; it is retained to be sold; it is sold, and evidence satisfactory to the agent is

> taken as the representative of the price; and, when payment of this promise to pay is made, the amount thereof is deposited in bank, to be forwarded as before mentioned. The business, while here, is under the direction and control of the agent domiciled here. The promises to pay in question are taxable in the hands of, and owned by, residents, as tangible property."

We submit the facts in the above case are not essentially different from the facts in the case at bar. The promises to pay, taxed in the case at bar, were taxable in the hands of, and owned by, residents, the same as tangible property owned by them was taxable. The fact that they were owned by a nonresident does not change their situs, nor take them beyond the rule.

We quote further from the opinion of the court in the case last cited:

> "These promises to pay, taken in connection with plaintiff's business, were not to be considered as abstract right not at all removed from the domicile of the plaintiff. Whilst the cash in question was in bank, it was liable to assessment. It was equally as liable prior to its deposit, whilst represented by paper due to the local business. Receiving paper which the statute orders to be taxed brings it within the tax power. It was within the power of the lawmaking authority of the State to tax an indebtedness which has taken a concrete form. The written instrument evidencing the indebtedness is 'left within the State in the hands of an agent of the nonresident owner. * * *

> "Having concluded that the written acknowledgments were tangible and seizable, we are led to the further conclusion that, as such, they must bear their just proportion of taxes, as directed in the statute cited."

In another case, where a deposit made by a citizen of Illinois in a trust company in the State of New York remained there fourteen months, and the property was delayed within the jurisdiction of New York long enough to justify the finding of the State court that it was not in transitu in such a sense as to withdraw it from the power of the State, if it were otherwise taxable, it was held taxable, even though the depositor intended to withdraw the funds for investment; the court declaring in substance that under the laws of New York the deposit is subject to transfer tax, notwithstanding that the whole succession, including this deposit, had been taxed in Illinois.

Blackstone v. Miller, 188 U. S. at 204.

The court said:

> "Universal succession is the artificial continuance of the person of a deceased by an executor, heir or the like, so far as succession to rights and obligations is concerned. It is a fiction, the historical origin of which is familiar to scholars, and it is this fiction that gives whatever meaning it has to the saying *mobilia sequuntur personam*. But being a fiction it is not allowed to obscure the facts, when the facts become important. * * *
>
> "When logic and the policy of a State conflict with a fiction due to historical tradition, the fiction must give way.

"There is no conflict between our views and the point decided in the case reported under the name of State Tax on Foreign Held Bonds, 15 Wall. 300. The taxation in that case was on the interest on bonds held out of the State. Bonds and negotiable instruments are more than merely evidences of debt. The debt is inseparable from the paper which declares and constitutes it, by a tradition which comes down from more archaic conditions. Therefore, considering only the place of the property, it was held that bonds held out of the State could not be reached. The decision has been cut down to its precise point by later cases."

TEMPORARY REMOVAL OF OHIO NOTES.

The Ohio notes were in the hands of the plaintiff in error on the first day of April for each of the years 1884, 1885 and 1886. Thereafter they were out of the State on the first day of April. They were sent out in bulk for the purpose of evading taxation; sent out that they might be out of the State on the first day of April. The act was simply a trick to avoid taxation in Indiana. Nash had been advised by the plaintiff in error that if they remained in Indiana on the first day of April, he would report them for assessment. He thereupon ordered them sent out of Indiana each year a day or two before the first day of April. They were returned within two to ten days thereafter. The purpose of sending them out of the State, in the light of the evidence in this cause, is so apparent that it does not admit of argument or discussion. It is urged by counsel for the plaintiff in error that because of this

trick the Ohio notes can not be assessed in Indiana for any of the years from 1887 to 1893, inclusive. There need be little said upon this proposition. The act was a fraud upon the State. It was intended to be such. It was but a part of the system adopted by Nash for the evasion of taxation. The State can not be deprived of its right to tax property permanently kept within its jurisdiction by the owner thereof because of the trick of such owner in removing the same temporarily out of the State for such purpose. If this could be done, the owner of tangible, personal property, living near the State line, could, on the last day of March, send his cattle and sheep, his horses and his hogs, across the line, and keep them there for the purpose of evading taxation until the second day of April, and then return them to their habitation within this State, thereby avoiding their assessment. The mere statement of the proposition carries with it its own refutation.

It has been well said:

> "The mere fact that the instrument has been sent out of the State for the time being, for the purpose of avoiding taxation thereon or otherwise, is immaterial."

Dundee Co. v. School District, 19 Fed. R. at 368;

Savings Society v. Multnomah Co., 169 U. S. 421;

Connecticut Co. v. Town of Monroe, 52 Atl. R. at 942.

The Indiana Supreme Court, in passing upon this question, has said:

> "It may be true that in many cases, as for instance, if any engine owned by a person residing elsewhere should be sent into the city for repairs, or if a horse should be left by a farmer with a farrier in the city to be treated, a mere temporary possession by a person within the city would not be regarded as a possession within the meaning of the law on the subject of taxation."
>
> Powell v. State, 21 Ind. at 340.

If the above statement is a correct expression of the law, the converse of the proposition must be true, and the State can not be deprived of its right to tax property by the temporary and fraudulent removal of the property out of the State covering the first day of April, the taxing date.

In a Michigan case a conveyance of property was made to a nonresident for the purpose of evading taxes. The property was held to be taxable, the court saying:

> "It is apparent that this deed was a mere subterfuge and made for the purpose of escaping taxation, and the court under testimony of Mr. Loud should have directed the verdict for defendant as to all taxes, except on the Burrows & Rust and Mosher descriptions."
>
> H. M. Loud & Sons Lumber Co. v. Elmer Township, 123 Mich. 61.

In another case, a citizen of Nebraska invested money in government bonds a day or two before the taxing period

commenced, for the purpose of evading taxation, and within a few days thereafter converted the bonds into cash and redeposited them in the same bank. The court held that the taxing authorities could not be defeated by any such trick.

Jones v. Seward, 10 Neb. 154.

In another case money was taken out of a bank by the owner and a check taken payable to himself in legal tender treasury notes. The check was retained until the third day of March and then converted again into cash. Held that the money was properly taxed.

Mitchell v. Commonwealth, 9 Kan. 344.

This case was taken to this Court, and in confirming the decision of the State court the following language was used:

> "We think the decision in this case was correct. United States notes are exempt from municipal authority, but a court of equity will not knowingly use its extraordinary powers to promote any such scheme as the plaintiff devised to escape his proportionate share of the burdens of taxation."

1st Otto, page 206.

Again, in a more recent case, it is said by this Court:

> "Where a person converts the entire amount of his bank account into treasury notes just before the day to which the assessment relates, for the sole purpose of avoiding the assessment, and a few days later surrenders the notes and has his account

restored, he cannot object to having the amount of his account assessed by the taxing officer."

Shotwell v. Moore, Co. Treas., 129 U. S. 596.

It is further said, in the case last cited:

"It does not need the finding of the court below as a fact to show that this was an evasion, and a discreditable one, of the taxing laws of the State, if it could be made successful. It is, therefore, urged that on this ground alone—the illegal purpose for which the transactions were made in the bank—the court should hold the plaintiff in error liable to taxation for the amount thus converted. Several decisions on this subject by State courts, holding this view, are cited in the brief of counsel. They are directly in point, and relate to attempts of precisely the same character to effect a similar evasion of taxation on property otherwise liable thereto."

After citing a number of cases the Court continues:

"From the latter case we quote the following language: 'If a taxpayer having a large amount of notes and mortgages, in order to escape the payment of taxes on the same, borrows a sum of money of a person residing out of the county, and deposits with his creditor such notes and mortgages, for the purpose of avoiding the payment of taxes on the same, such notes are taxable in the county where such taxpayer resides; and such deposit or transfer is a fraud on the revenues of the county.'

"And this court in Mitchell v. Commissioners of Leavenworth County, 91 U. S. 206, denounces conduct precisely similar to that of the plaintiff in error in this case in the following language:

" 'United States notes are exempt from taxation by or under state or municipal authority; but a court of equity will not knowingly use its extraordinary powers to promote any such scheme as this plaintiff devised to escape his proportionate share of the burdens of taxation. His remedy, if he has any, is in a court of law.'

"The circumstances of that case are precisely like those in the case before us. The taxpayer converted, in the same manner as Shotwell did, about nineteen thousand dollars in current funds on general deposit in his bank into the same value in greenbacks, and placed them in a package which he put in the vault of the bank for safekeeping. This was on February 28. On March 3, following, he withdrew this package, and deposited the notes to his general credit. This was done for the sole purpose of escaping taxation upon his money on deposit in the bank. That case only differs from the one at bar in the fact that the revenue officer proceeded to collect the tax assessed by distress, which compelled the defendant to resort to a court of equity to enjoin the proceedings; but this Court held that the transaction was so inequitable that it would not be sustained in a court of chancery. * * *

"All these decisions show that the courts look upon this transaction as indefensible, and consider it an improper evasion of the duty of the citizen to

> pay his share of the taxes necessary to support the government which is justly due on his property."

Every word of censure contained in the foregoing opinion by this Court is applicable to the conduct of Job M. Nash, the testator of plaintiff in error.

The Supreme Court of Indiana has frequently held that taxes can not be evaded by converting taxable property into nontaxable property, when such conversion is made for the purpose of evading taxes. In fact every decision of the Supreme Court of Indiana on this question is in exact accord with the opinion of this Court in the case last cited.

> Ogden, Treas., v. Walker, 59 Ind. 460;
> Senour v. Matchett, 140 Ind. at 640;
> Crowder v. Riggs, 153 Ind. at 160.

THE OHIO NOTES HAD SUCH A BUSINESS SITUS AS TO MAKE THEM TAXABLE IN INDIANA.

We ask the Court to consider the authorities hereinafter cited in the light of our argument upon the "character of the situs" given these notes, found on page 39 of this brief, and in the light of the findings of the State courts upon the questions of fact involved in the case, found on page 43 of this brief.

As we have already shown, the Ohio notes were not kept by plaintiff in error in LaFayette for clerical convenience. They were there permanently. They had at no time any other permanent location. They were kept there continu-

ously, except for mere temporary purposes, and were held and controlled by Buck as the agent of Nash. They had a "business situs" in Indiana within the meaning of the law, and were held under such circumstances as to give them a taxable situs in Indiana. We have heretofore shown that the term "personal property," as used in the statute, includes bonds, notes, choses in action and other evidences of credits.

We have also shown that the situs of tangible, personal property, for the purpose of taxation, does not follow the domicile of the owner.

It has been held by the Supreme Court of Georgia, where a trading corporation has a fixed and permanent place of business within the State at which it regularly sells goods for cash and on account, that its property within the State, including its money and the solvent accounts due it in the course of such business, is taxable, although the chief office of the corporation is, by its charter, located in a State other than Georgia, and its principal place of business is situated in still another State of the Union.

> Armour Packing Co. v. Mayor, 41 S. E. R. at 237.

The court in the above case said:

> "In this case the property which is taxed was actually within the jurisdictional limits of the taxing power. It was here in Savannah when it was taxed by the authorities of Savannah. The legislature of Georgia has authorized the city of Savannah, in its charter, to pass such ordinances for the

purpose of taxation as the one upon which this levy is based. It seems, therefore, that this case falls within the rule that, for the purpose of taxation, personal property of nonresident owners, used by them in their business in this State, and received by them in carrying on their business in this State, is subject to taxation by the State. * * * We are aware that the Supreme Court of Mississippi, in the case of the City of Vicksburg v. Armour Packing Co., 24 So. 224, have held, under facts very similar to those in the case which we have under consideration, that certain notes and accounts due the Armour Packing Company in its business in Vicksburg did not have such a business situs in that city as made them subject to taxation by its municipal authorities; but Terrell, J., in delivering the opinion of the court admitted that there were authorities contrary to the view which that court entertained on the subject. Besides, it does not appear that the City of Vicksburg had, under its charter, the same authority to assess and levy taxes upon the particular character of property above referred to as that which has been conferred upon the municipal authorities of the city of Savannah."

In Indiana, it has been held, where the intention of the owner of the property was to keep the property within the State for a definite purpose and not to ship it until that purpose had been accomplished, that such property was within the protection of our laws and must bear its share of the public burdens, though such property while here was simply awaiting the execution of the purpose of the owner to send it out of the State.

Standard Oil Co. v. Combs, 96 Ind. at 183.

We suggest that the evidence in this case shows that the intention of Nash was to keep the Ohio notes in this State for a definite purpose, and that they were not to be removed for anything other than a temporary object until that purpose had been accomplished. Under such circumstances they were taxable.

In another Indiana case it is said:

> "When property is collected, even though it may be at the point of final shipment, to await indefinitely the owner's pleasure, or the rise of the markets, or to undergo a partial process of manufacture, or from any other cause having no relation to the preparation for, or facilities, or exigencies of transportation, such property will acquire an actual situs, rendering it subject to taxation."
>
> Board v. Standard Oil Co., 103 Ind. at 304.

Where hogs were purchased and packed preparatory to shipment, they were held to be liable to taxation.

> Powell v. State, 21 Ind. at 340;
> Rieman v. Shepard, 27 Ind. at 289.

The temporary purpose which in law takes property out of the rule that all property within the jurisdiction of the State is taxable is well illustrated by the following language from the decision in the Powell case, supra:

> "It may be true that in many cases as for instance, if any engine owned by a person residing elsewhere should be sent into the city for repairs, or if a horse should be left by a farmer with a farrier in the city to be treated, a mere temporary

> possession by a person within the city would not be regarded as a possession within the meaning of the law on the subject of taxation."

Wherever the element of permanency of location exists, property, if within the jurisdiction of the State, has always been held to be taxable.

It has been held that the personal property of a ward residing outside of a State, but which was in the possession and under the control of a guardian, who resided in such State, was liable to taxation by the State, though such property consisted of notes and bonds.

Tousey v. Bell, 23 Ind. at 426.

It has also been held that the funds of an insolvent mutual benefit assessment society in the hands of a receiver in this State are subject to taxation in the county where they are kept on deposit by such receiver, although the funds had been collected in other States in which the company also did business, and turned over to the Indiana receiver by orders of the respective courts, and were to be distributed to claimants, many of whom were nonresidents.

Schmidt v. Failey, 148 Ind. at 150.

In the above case the court, after quoting Clause 4, Section 11, of the Tax Law, declares that the receiver,

> "even if he were not, in law, the owner of the moneys so on deposit in bank to his credit as receiver, was, at least, the person having control thereof, and hence the one to whom such property should be assessed."

The Court will observe that this decision does not depend upon the ownership of the fund by the receiver. The property was declared to be taxable whether owned by him or not, and without regard to the residence of the actual owners of the trust, on the ground that it was physically present in the State of Indiana, and that it was properly taxed to him, because he was the person in control thereof. The rule of law for which we contend, and which authorizes the taxation of the evidences of debt, such as notes and mortgages, when permanently kept in the State under facts and circumstances such as those surrounding the notes and mortgages in issue in this cause, is sustained in the State of New York by a long line of decisions and without an exception.

The case of the People v. Board, 48 N. Y. 390, cited in the Keeran case, supra, is in absolute accord with our contention. One of the questions in that case submitted for the determination of the court was whether or not a contract for the sale of lands belonging to a nonresident in the hands of an agent who was a resident of the State of New York, was taxable. The court in the course of its opinion said:

> "Notes, bonds and other contracts for the payment of money have always been regarded as personal property and treated in the law as personal property. They represent the debts secured by them. They are the subject of larceny, and a transfer of them transfers the debt. If this kind of property does not exist where the obligation is held, where does it exist? It certainly does not

exist where the debtor may be and follow his person. And while, for some purposes in the law, by a legal fiction, it follows the person of the creditor and exists where he may be, yet it has been settled that for the purpose of taxation this legal fiction does not, to the full extent, apply, and that such property belonging to a nonresident creditor may be taxed in the place where the obligations are held by the agent."

People v. Board, 48 N. Y. at 390.

In a later case a resident of New York owned mortgages in the hands of his agents residing in Illinois, Minnesota and Wisconsin, who always retained the custody of them, received and invested the interest and upon payment of the principal discharged such security and reinvested the principal, and until so invested kept such funds in their own names without consulting the owner. The statute of New York at that time provided:

"All lands and all personal estate within this State shall be liable to taxation."

2 R. S. N. Y., 7th ed., page 981.

Under this statute it was held that such securities were not within the State of New York. That their actual situs was in the states where the agents resided and where the notes and securities were held.

People ex rel. Jefferson v. Smith, 88 N. Y. at 581.

The above case involved the taxation of the same securities that were taxed in Minnesota under the decision in the case of the Estate of Jefferson hereinafter referred to.

In a later case the New York court cites Jefferson v. Smith, supra, with approval, and adds:

> "The idea that personal property follows the situs or residence of the owner, while in some cases a perfectly proper legal fiction to be indulged in for purposes of justice, was held not to apply in such a case for the purpose of imposing a tax upon a security not within the State and not protected by our laws."
>
> People ex rel. Darrow v. Coleman, 119 N. Y. at 138.

The present tax law of New York provides:

> "All personal property situate or owned within the State is taxable, unless exempt from taxation by law."
>
> People v. Gaus, 61 N. Er. Rep. (N. Y.) 1989.

In the last case the court said:

> "The property in question is not exempt by law. It is situate within the State. It must be taxed there where it is situated, or where its holder or controller resides. It does not follow because Mr. McHarg does not reside in Albany that the property is not taxable there, for he can exercise his holding and control by means of his directions to his custodians in Albany. It follows that it must be taxable in Albany unless the forms and methods of taxation defeat the execution of the statute which declares it liable to taxation in that State."

It will be observed that the New York statute is similar to ours. It will also be observed that under that statute

and under the decisions of the New York court above cited the Ohio notes and mortgages owned by Nash were not taxable in New York so long as they were not physically present within that State. The Court will also observe under the decisions hereinbefore cited in Indiana, Ohio, New York and elsewhere the Ohio notes and mortgages were not taxable in Ohio because they were not physically present in that State and their owner was domiciled in the State of New York. Upon this question the New York cases we have just cited and our own case of Senour v. Ruth, 140 Ind. at 318, supra, are decisive. Either the thing sought to be assessed or the owner thereof must be within the jurisdiction of the sovereignty that seeks to levy the tax. That Job Nash knew this can not be doubted in the light of the facts and circumstances contained in the record in this cause, and that knowing it, he sent the Ohio notes and mortgages to Indiana for the purpose of evading their taxation, is equally apparent.

The facts and circumstances of the case at bar present a much stronger case than that presented by the facts and circumstances in the following New York cases:

In re Romaine Estate, 127 N. Y. at 88;
In re Whiting Estate, 150 N. Y. at 29;
In re Morgan Estate, 150 N. Y. at 35;
In re Houdayer Estate, 150, N. Y. at 37.

In the case of the Romaine Estate, supra, the same contention was urged in behalf of the taxpayer that is urged by counsel for plaintiff in error in the case at bar. The court said:

"The appellant further contends that the property in question was not 'within the State,' according to the true meaning of the statute, and the contention is supported by the argument that it would be unreasonable to tax money found upon the person of a nonresident who died while traveling in this State. We should hesitate before applying the statute to any property casually brought into the State for a temporary purpose, as a visitor or traveler, but the record before us does not present such a case. It might be well to hold that such property, although literally 'within the State,' was not here in the sense meant by the statute, on account of the transitory and accidental character of its presence and the immediate custody of the owner. (Herron v. Keeran, 59 Ind., 472, 476.) Where, however, the money of a nonresident is invested in this State as it was by Mr. Romaine in the bond and mortgage in question, and in the deposits made by him in the savings bank, or where the property of a nonresident is habitually kept, even for safety in this State, we think that the statute applies both in the letter and spirit. Such property is within this State in every reasonable sense, receives the protection of its laws and has every advantage from government, for the support of which taxes are laid, that it would have if it belonged to a resident."

The court rendering the above decision is composed of jurists of conspicuous ability. Alton B. Parker was a member of it, and concurred in the opinion. From the above quotation it is apparent that the New York court was unable to read into the decision of the Keeran case the

rule of law contended for by counsel, and that that case, as understood by the New York court, is not in conflict with the rule of the law we insist upon. In the case of the Whiting Estate, supra, the taxability of notes, bonds and stocks belonging to a nonresident of the State was in issue. The court said:

> "The theory upon which the Supreme Court, by a divided vote, proceeded to judgment, was that the written instruments were physically within the State and constituted property here subject to taxation."

To the same effect is the opinion of the court in the case of the Morgan Estate, supra, and in the case of the Houdayer Estate, supra. In each of these cases the property sought to be assessed consisted of evidences of indebtedness on deposit belonging to a nonresident decedent and on deposit in the City of New York. They were wholly disassociated from business and the facts did not in any of them present nearly so strong a case as do the facts in the case at bar. In each of these cases the tax sustained was a special tax levied under the provisions of the collateral inheritance law of that State and the court itself admitted that such a law was to be much more strictly construed against the taxing authority than in a case involving the construction of a law which seeks the taxation of all property or of all persons within the State. The general law is construed liberally in behalf of the sovereign; the special law is construed liberally in behalf of the taxpayer.

Graham v. Russell, 152 Ind., at 191;
Reynolds v. Bowen, 138 Ind., at 441;

Hunter v. Woodward, 152 Ind., at 478;
Gallup v. Schmidt, 154 Ind., at 204.

The statute of Ohio requires foreign insurance companies to deposit negotiable bonds with the insurance commissioner of that State for the benefit of policy holders and creditors in the United States. Complying with this statute the Western Assurance Company, of Toronto, Canada, placed with the insurance commissioner of Ohio one hundred thousand dollars in bonds. These bonds were held to be taxable by the Circuit Court of the United States for the southern district of Ohio. The court said:

> "In 1867 the Legislature passed a law requiring foreign insurance companies to deposit with the Superintendent of Insurance for the benefit and security of policy holders, not less than one hundred thousand dollars in bonds, and when the complainant, in compliance with this law, deposited the bonds in question, that brought property into the State which is subject to taxation under the provisions of the law just quoted. * * * It is doubtless true that the taxation of these bonds may work a result not contemplated by the Legislature or by the taxing officers of the State, and in this case may, in a measure, impose double taxation upon the complainant, but the mandatory provisions of the Constitution and of Sec.2731 may not be disregarded."

We insist that when Nash left promissory notes and mortgages in the hands of his permanent agent in this State, there to be kept by him for an indefinite time, that

he sent property into the State which was subject to taxation.

The rule of law, that a nonresident who sends money into this State, and surrenders its possession and control to agents fully authorized to loan, invest and manage the same, thereby subjects such property to the jurisdiction of this State for the purpose of taxation, and that in such case the legal fiction that the situs of such property is at the domicile of the owner yields to the requirements of justice, and that the actual situs is the place where the property is actually situated and where such agent resides is sustained by many decisions.

Billinghurst v. Spaink Co., 58 N. W. (S. D.) at 275;

Hutchinson v. Board, 23 N. W. Rep. (Iowa) at 252;

Black Hawk v. Dorris, 90 N. W. (Iowa) at 90;

In re County v. Estate of Jefferson, 28 N. W. R. (Minn.) at 257;

Arosin v. London Co., 83 N. W. (Minn.) at 340;

Board v. Davenport, 40 Ills., at 200;

Goldgart v. People, 106 Ills., at 28;

Matzenbaugh v. People, 62 N. E. R. (Ills.), at 548;

Curtis v. Richland, 56 Mich., at 490;

Comptoir v. Board, 27 So. R. (La.) at 805;

Tappan v. Merchants' Bank, 19 Wallace, at 490;

Pullman's Co. v. Commonwealth, 141 U. S. 18;

Savings Society v. Multnomah Co., 169 U. S. 421;
New Orleans v. Stemple, 175 U. S. 309;
Bristol v. Washington, 177 U. S. 133.

In the Billinghurst case, supra, the court said:

> "We are disposed to hold that the situs of personal property owned by a nonresident, but employed in business in this State, and under the control and management of an agent, is at the residence of such agent for the purpose of taxation. * * * Where such property is under the management and control of an agent, it becomes the duty of such agent to list such property either in his own name or the name of his principal. * * * Plaintiff's money employed in Spaink County is protected by the laws of this State, and while it is so engaged she can not avoid the payment of taxes."

In Hutchinson v. Board, supra, it is said:

> "The property taxed is in the possession and under the control of the plaintiff. It is in fact in this State, within the meaning and intent of the statute; and can the courts by the invocation of a fiction defeat the plain meaning and intent of the general assembly? We think not; for it is the undoubted province of the general assembly to determine what property, actually within the State, is taxable, and unless the courts can say the law is unconstitutional or that it conflicts with some fundamental law that is universally recognized they are not only powerless, but it is their clear and undoubted duty to enforce the statute."

In the case of Black Hawk v. Dorris, supra, the court said:

> "We are not prepared to hold that moneys and credits of nonresidents, which are actually being kept or held in this State for purposes other than investment are under no circumstances subject to taxation here. The facts in this case, however, do not require any discussion of the general question thus suggested. The funds upon which this particular tax was levied were admittedly sent to this State for investment and were so being held by the agent at the death of the owner. They had been kept here for a period of over twenty years earning large profits. During all that time they had enjoyed the protection of the law of Iowa. * * * While the agency of W. W. Miller had ceased, the property remained here subject to local administration, demanding the attention and protection of the courts."

We suggest to your Honors that the property in issue in the case at bar remained in Indiana at the death of Job Nash subject to local administration, demanding the attention and protection of the courts. Since the bringing of this action, a local administrator has been appointed in Tippecanoe County and such administration is now pending.

In the case of In re County v. Estate of Jefferson, supra, the question of the assessment of the notes and mortgages in issue in the case of People ex rel. Jefferson v. Smith, 88 N. Y. at 581, supra, was involved. Evidently Smith had been imitating the example of Nash. He did not return these notes and mortgages for taxation in New York. An effort was made to tax them. The court

held they were not taxable in New York because they were not physically present within the State. He did not return them for taxation in the State of Minnesota, where they were held. After his death, the State of Minnesota sought to tax them and the Supreme Court of Minnesota sustained the tax. In the course of the opinion the court said:

> "In People v. Smith, 88 N. Y. 576, the New York court held these very credits not taxable in that State because they were not personal property within that State, but that they were within this State; that is, had a situs here."

In Arosin v. London Co., supra, it is said:

> "The real question is whether at the time personal property is subject to taxation it is in the State, in the hands of an agent, who retains its possession and deals with it here in his representative character for its principal; and this whether the owner is solvent or insolvent; whether new loans are made or the business is in fact being closed up with the intent to remove from the State as soon as it is convenient to do so."

The tax in the above case was sustained.

In the case of Matzenbaugh v. People, supra, the court said:

> "She, the daughter, was his agent and the court was amply justified in believing she had his notes and securities in her possession in Watseka, Illinois, for the purpose of enabling her to transact the business of collecting and loaning the money in Iroquois County for him. * * * Regardless of the insistence of the appellant that he had in good

> faith changed his domicile from Illinois to Texas the situs of his notes and securities which remained in the hands of his agent in Illinois for the purpose of enabling such agent to successfully and conveniently continue the prosecution of the business of loaning money, in which appellant had long been engaged, was not changed, but such notes and securities were subject to taxation under the provision of the laws of Illinois."

In the case of Curtis v. Richland, supra, the Supreme Court of Michigan said:

> "The courts of last resort in this State have uniformly held the fiction of law that personal estate has no situs away from the person or residence of the owner must yield to the fact of actual location, such being the intent of the taxing law."

In the case of Tappan v. Merchants' Bank, supra, this Court, speaking through Chief Justice Waite, declared:

> "Personal property, in the absence of any law to the contrary, follows the person of the owner and has its situs at his domicile. But for the purpose of taxation it may be separated from him and he may be taxed on its account at the place where it is actually located. These are familiar principles and have often been acted upon in this Court and in the courts of Illinois. If the State has actual jurisdiction of the person of the owner, it operates directly on him. If he is absent and it has jurisdiction of his property, it operates on him through his property. * * * It must be borne in mind that all this property, intangible though it may be,

> is within the State. That which belongs to non-residents is here by operation of law. That which belongs to residents is here by reason of their residence. All the owners have submitted themselves to the jurisdiction of the State and they must obey its will when kept within the limits of constitutional power."

In the case of Pullman Co. v. Commonwealth, supra, Mr. Justice Gray, speaking for this Court, said:

> "For purposes of taxation, as has been repeatedly affirmed by this Court, personal property may be separated from its owner, and he may be taxed on its account at the place where it is, although not the place of his domicile and even if he is not a citizen or resident of the State which imposes the tax."

In the case of Savings Society v. Multnomah Co., supra, it is said:

> "Personal property, as this Court has declared, again and again, may be taxed either at the domicile of the owner or at the place where the property is situated, even if the owner is neither a citizen nor a resident of the State which imposes the tax."

In the above case, Mr. Justice Gray, speaking for the Court, referred to the Foreign Held Bond Case, 15 Wallace, 300, cited by counsel, and said of it:

> "It becomes important, therefore, to notice exactly what was there decided. In that case a railroad company, incorporated both in Ohio and in Pennsylvania, had issued bonds secured by a mortgage

> on its entire road in both States; and the tax imposed by the State of Pennsylvania, which was held by a majority of this court to be invalid, was a tax upon the interest due to the bondholders upon the bonds, and was not a tax upon the railroad, or upon the mortgage thereof, or upon the bondholders solely by reason of their interest in that mortgage. The remarks in the opinion, supported by quotations from opinions of the Supreme Court of Pennsylvania, that a mortgage, being a mere security for the debt, confers upon the holder of the mortgage no interest in the land, and where held by a non-resident is as much beyond the jurisdiction of the State as the person of the owner, went beyond what was required for the decision of the case and can not be reconciled with other decisions of this Court and of the Supreme Court of Pennsylvania."

In the case of Bristol v. Washington, supra, Chief Justice Fuller, speaking for this Court, said:

> "Nevertheless the business of loaning money through the agent in Minnesota was continued during all these years just as it had been carried on before, and we agree with the Circuit Court that the fact the notes were sent to Mrs. Bristol in New York, and the fact of the revocation of the power of attorney did not exempt these investments from taxation under the statute as expounded in the decisions to which we have referred. * * * Under the circumstances of the case before us, we think, as we have said, that the mere sending of the notes to New York and the revocation of the power of attorney, did not take these investments out of the rule."

In an earlier case it is said by this Court:

> "We take it to be a point settled beyond all contradiction or question that a state has jurisdiction of all persons and things within its territory, which do not belong to some other jurisdiction, such as the representatives of foreign governments, with their houses and effects and property."
>
> Coe v. Errol, 116 U. S. 517.

Under the title of "Indiana Cases" counsel for plaintiff in error cite a number of cases, none of which, we submit, supports their contention upon the questions involved in this case.

The Supreme Court of Indiana, in its decision in the case at bar, very aptly says of these cases:

> "We pass over without citation a number of early cases in Indiana wherein it was held that in the absence of any direction to the contrary the domicile of the owner of intangible personal property is the controlling factor as between different taxing corporations within the State. We do not regard such authorities as at all in point as applied to cases like the one in hand."
>
> Record, p. 1061.

In the case of New Albany v. Meekin, 3 Ind. 480, the situs of a steamboat owned by a resident of New Albany was involved. The court decided that the situs of the steamboat, for the purpose of taxation by a city, does not follow the domicile of the owner. We think this decision correct. The boat was not within the jurisdiction of the

city, and was not taxable, though its owner resided within such city. The boat had a situs of its own independent of the owner's domicile.

In the case of City, etc., v. Hall, 14 Ind. 27, the city of Evansville sought to tax shares of stock in an insurance company which had its principal place of business in that city, but which were owned and kept in the town of Princeton, in Gibson County, Indiana. The court decided that such shares of stock were not taxable in Evansville. The court was clearly right. Neither the thing sought to be assessed nor the owner thereof was within the jurisdiction of the city of Evansville.

In the case of City of Madison v. Whitney, 21 Ind. 261, City of Madison sought to assess bank stock owned and held by a nonresident of that city. The bank itself was located in the city, but neither the owner of the stock nor the stock itself was within the city. There is absolutely nothing in either of these cases that even tends to support the clerical convenience theory of counsel.

The next case cited and the one most relied on by counsel for the plaintiff in error, is that of Herron v. Keeran, 59 Ind. 472.

But that case is far afield from the case at bar, and if confined to the question actually before the court for decision and actually decided by the court, and considered in the light of the facts upon which the opinion is based, clearly fails to support the contention made. In that case certain promissory notes and other choses in action belonging to a nonresident in this State were in the hands of an

attorney in this State for *collection* simply, and certain municipal bonds were *temporarily* on deposit in a bank in this State, merely for safekeeping.

The court decided that the language of the statute included the property in question and expressly authorized the taxation of such property, but said:

> "The notes and accounts in the hands of the attorneys were left with them simply for collection, and the remission of the moneys collected to the owner in the state of his residence; and the bonds, on change of his residence were *temporarily* left for safekeeping not *permanently* to be used in the State. * * * It had not been left in this State to be invested by an agent here, with some degree of permanency in business."

The court so construed the statute as to exclude from its provisions the property in issue in that cause; that is, notes in the hands of an attorney for collection and bonds temporarily on deposit within the State. It is important to note the exact thing decided and the exact extent to which the literal meaning of the statute was modified. The language used by the court expressly confines the decision to the exact issue presented. Reference is made to certain decisions holding that notes and evidences of debt in the hands of an agent of the owner, who resides in another State or country, when such notes are taken for money loaned, and held for renewal or collection, with the view of reloaning the money by the agent in the same State, the business being permanently in the hands of the agent, are taxable, but expressly distinguished the case then before

them; that is, a case where such notes were temporarily in the hands of an attorney for collection or temporarily on deposit, from the class of cases referred to, and said:

> "It is not necessary, therefore, in the case before us, that we should express an opinion upon the correctness of the decisions holding that choses in action may, under certain circumstances, be taxed in a State other than that of the domicile of the owner."

The limit to which the exact and literal meaning of the language of the statute was modified is found in this language of the court:

> "But the statute can not be taken in its broadest sense. There must be a restriction, a limitation upon its literal meaning, by construction. Otherwise, bills, notes and bonds in the possession of a temporary visitor in the State, in fact those in possession of a traveler passing through it, might be taxable in it. They would be within the State, and are within the letter of the statute. But such could not have been the intention of the Legislature."

Beyond this the Court did not go in its limitation upon the literal meaning of the statute. The Court was perhaps right in the restriction placed upon the language of the statute, but it certainly went to the verge of its right to modify and change an enactment of the Legislature by judicial construction.

We submit the following, in reference to the Herron-Keeran case, from the opinion in the case at bar:

"In Herron v. Keeran, 59 Ind. 472, it was held that promissory notes and accounts placed in the hands of an attorney in Indiana for collection, and municipal bonds left temporarily with a bank in this State for safekeeping, belonging to a nonresident, were not liable to taxation here. This court there said that the choses in action involved were property within the State, and as such were within the letter of the taxation act, but as a matter of interpretation it should be held that the property was not within the State according to the sense in which the legislature had used those words. The court in that case distinguished between the case before it and the class of cases recognizing the possibility of notes obtaining a business situs where they are in the hands of an agent for collection, with a purpose to have him reloan the money, the business being permanent in his hands. Foresman v. Byrns, 68 Ind. 247, is not remotely in point upon the question here involved, so far as the matter before the court was concerned, but that case is relied on by counsel for appellant, since language was used in the opinion from which it is to be inferred that credits due to a nonresident are only to be taxed where a business situs has been established as the same was defined in the Herron case, supra. There was a mere statement of the proposition, and, as the question of business situs was not involved, it can not be presumed to have received the careful attention of the court. This mere inconsiderate obiter can not be held to have established a rule of construction that should be influential in the construction of the taxation acts which were subsequently passed. See National Supply Co. v.

Stranahan, 69 N. E. 447; Sulzer-Vogt, etc., Co. v. Rushville Water Co., 160 Ind. 202. Schmidt v. Failey, 148 Ind. 150, is a case which involved the liability of a receiver of a corporation to assessment for the purposes of taxation on moneys in bank in this State, it appearing that a considerable part of the fund deposited, belonging to creditors over the country, had been brought into the State by reason of the fact that courts in other States had appointed receivers over the same corporation, and had caused the funds sequestered by such orders to be turned over to the receiver in this State, for the purpose of having one administration. In deciding that the deposit was subject to taxation this court indicated that since the funds were protected by this State and one of its courts was administering the trust, it inclined to a construction of the act of 1891 which would render the property liable to contribute to the maintenance of government in this State. In Gallup v. Schmidt, 154 Ind. 196, it was said: 'The right to tax property is a sovereign right reserved to the jurisdiction charged with the duty of its protection; and the authority of a taxing district to require all classes of property sheltered by it to pay their ratable proportion of the expense of maintaining the government is unaffected by the residence of the owner.' "

Counsel for plaintiff in error now ask your Honors to take another and far more aggressive step in judicial legislation, and to further nullify the language of a solemn enactment of the General Assembly of the State of Indiana, by judicial opinion They ask you not only to declare that

notes and mortgages in the hands of attorneys for collection or temporarily on deposit in the State of Indiana are not within the statute; but to go further and hold that notes and mortgages of a nonresident in the hands of a resident agent, having charge of an active and long established brokerage business located in the State of Indiana; connected with, and a part of, such business transacted by such agent; permanently held, managed and controlled by him, with authority vested in him to negotiate, sell, assign and release of record any and all of them; so held and kept by said agent for the purpose of avoiding taxation in the State of the owner's domicile, in the State where they were executed and in the State where kept; where it was the agent's business to know when they became due, and to send them away for collection or renewal; and where they were never out of the State except for some temporary purpose; *though within the language of the statute are without its meaning.*

In the argument of counsel they ignore, and would have your Honors ignore, the temporary situs of the notes and securities in the Keeran case. They seek to treat the notes and mortgages in issue in this case as though their situs was similar to the situs of the securities in that case. The facts and circumstances of the two cases are entirely different. In that case the notes and securities had a most transient and temporary situs only. In the case at bar they had a permanent and continuing situs, and were never removed except for a transient and temporary purpose. The Keeran case is not an authority in the case at bar. It does

not hold that notes and mortgages in order to be taxable here must spring from a going business in this State, or that they must grow out of the loaning and reloaning of money in this State. No such issue was presented. No such decision was made. The court did not even attempt such a decision, but expressly declared that it was not necessary to decide that question.

The counsel are learned. They are possessed of wide knowledge and experience. Their researches in this case have been exhaustive. Yet they have failed to find a single case that establishes the rule of law contended for by them in the case at bar. True, they have cited many cases, but in every instance where notes and securities sought to be taxed were held to be nontaxable the situs of such securities was brief, transient and of the most temporary character.

It is due the defendant in error that these decisions be confined to the exact question presented to, and decided by, the court making the decision. Only such questions as were before the court for decision and such as were expressly or impliedly decided constitute the decision. The reasoning or illustrations of the court do not constitute decisions, and hence such reasoning and illustrations are not binding adjudications.

It is well said by the learned judge who tried the case at bar:

> "In the case of Herron v. Keeran the court was not called upon to decide whether or not it was essential to subject the notes of a nonresident to taxation in this State that they should be in the hands

> of an agent here for the purpose of collection or renewal, and with a view of reloaning the funds if collected. * * * Nor does any other decided case that has come under my observation so hold; while the very case cited by the court in Herron v. Keeran, supra, of People v. Ogdensburg, 48 N. Y. 390, upon a statute of similar import to our own, holds to the contrary."

The facts and circumstances in the record in this cause clearly and decisively distinguish it from the Keeran case, and before your Honors can exclude from taxation the notes and securities in issue, you must indeed go far in the nullification of the statute as enacted by the General Assembly, and yourselves enact legislation under the guise of judicial decision.

The case of Foresman v. Byrns, 68 Ind. 247, is also cited by counsel. There neither the securities nor the owner was within the State. Both the thing sought to be taxed and the owner thereof were without the jurisdiction of the State. The question arose upon a demurrer to the complaint and upon the question of the sufficiency of the evidence to sustain the finding of the trial court on a motion for a new trial. Under the facts alleged in the complaint Byrns was not at any time the agent of the owner of the securities. According to the averments, the money, upon the receipt of the securities, was deposited by the owner of such securities,

> "To the credit of the plaintiff, as agent for such borrower, in a bank in the city of New York. * * * In all business transactions engaged in

> by him, relating to loans of said * * * company, * * * he has never had in his possession or under his control, any of the money invested or loaned by said * * * company in the State of Indiana, nor has said * * * company ever paid, or agreed to pay, the plaintiff any compensation for making loans in Indiana, but said company in making its loans to borrowers in Indiana * * * kept and retained such moneys in its own possession and control in the city of New York until after the delivery to it of those bonds, mortgages and receipts of the borrowers."

The court expressly states:

> "The evidence sustains the allegations of the complaint."

Under that state of facts the court held the notes and mortgages nontaxable. The above presents the case decided by the court. It decided nothing further. There was nothing else before it for decision. Anything else said in the way of reasoning or illustration is beside the issues submitted to it, and is of no force or effect as an adjudication.

In the later case of Senour v. Ruth, 140 Ind. 318, cited by counsel, neither the notes, the subject of the attempted taxation, nor the owner thereof, were in the State; both were beyond the jurisdiction of the State. The court very properly held that authority for the taxation of such property is not given. It quotes Section 3 and the fourth subdivision of Section 11 of the Act of 1891, and says:

> "Expressly by the first of these provisions and impliedly by the second, the authority is given to tax property within the jurisdiction of the State."

It then decides (the property in issue and the owner thereof both being out of the State and beyond its jurisdiction) that such property is not taxable.

With that decision we have no quarrel. But that is not the case at bar. Here the notes and mortgages assessed were within the State. They were permanently located here and were continuously kept within the State's jurisdiction.

The case of Buck v. Miller, 147 Ind., at 595, is also cited, and it is claimed that it was there held that in order to be taxable in this State notes and mortgages of a nonresident must be kept and used in business in this State, and spring from such business. We have already shown that that question was not in issue and was not decided by the court. The exact point decided by the court in that case, as we have heretofore shown, was, in the language of the court:

> "If personal property is used in business in this State it ought to be assessed for taxes even though the owner may claim to be a citizen of and domiciled in another State; and that this must be true of moneys and credits as well as of other forms of personal property. * * * That a business may be done in buying and selling property, including bonds, stocks, notes and mortgages, and in making loans and investments, collecting and reloaning from year to year, and that if the moneys

> and securities so used are retained in this State, they should be subject to taxation here quite the same as any other kind of property."

The averments in the complaint then before the court showed that the notes and mortgages described therein were used as indicated in the opinion of the court just quoted, and the court decided that if they were so used they were taxable.

We also submit the following as to the case of Buck v. Miller, 147 Ind. 587, from the court's opinion in the case at bar:

> "We come now to the case of Buck v. Miller, 147 Ind. 587, which we mentioned in an earlier portion of this opinion. As indicated, the questions in that case were presented on demurrer to the complaint. There was so much of what was material left indefinite in that pleading that we hesitate to hold that the opinion is the law of the case in respect to the question as to whether said notes were taxable in this State. That opinion, however, is very much in point. Thus it was there said: 'For purposes of taxation, the term *personal property* includes bonds, notes, choses in action and other evidences of credits. * * * The test as to where the right to tax property exists is its place of location and use; the place where, if a security or obligation, it is a credit, not where it is a debit. It is quite immaterial whether the notes or other obligations were executed or were due by residents or nonresidents of the State. If they were owned,

held and used in Indiana, they were taxable here; and this, too, whether the business here in which they were used was conducted by Mr. Nash in person or by some one else for him. * * * The property is taxable where it is owned, held and used in business, and where it is protected by the laws of the community in which it is so held and used; and the circumstance that the owner, whether for honest or other motives, claims a residence elsewhere, is not controlling. It is, of course, quite different, as already many times said, where the property is temporarily in the State; as, for instance, where securities are sent into the State for collection, inspection and safekeeping, or the like.'

"It does not militate against the power of the State to tax personal property which has a definite and permanent situs therein that another State, by reason of its jurisdiction over the owner or otherwise, is also exercising a like power. Coe v. Errol, 116 U. S. 517; Boyer v. Jones, 14 Ind. 354; Judson on Taxation, Sec. 426; and see Davidson v. New Orleans, 96 U. S. 97, 106. As a matter of justice, however, the courts incline to a presumption that the taxing acts they are called on to construe were not intended to reach property which has its proper situs elsewhere, provided that the language of the statute does not lead to the opposite conclusion. But as applied to this State it may be said that where it appears that the proper situs of property is here, the effect of our constitutional provision relative to taxation (Sec. 1, Art. 10), is to create a presumption of a legislative purpose to tax. As

an aid therefore to the construction of the acts of 1881 and of 1891, we look to the question as to whether the appropriate State for the taxing of said notes was New York, Ohio or Indiana."

Respectfully submitted,

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WILL R. WOOD,
Attorneys for Defendant in Error.

September 20, 1906.

Supreme Court of the United States.

No. 14.—October Term, 1906.

James Buck, Trustee under the will of Job M. Nash, deceased, Plaintiff in Error, *vs.* William E. Beach, Treasurer of Tippecanoe County, Indiana. } In error to the Supreme Court of the State of Indiana.

[May 27, 1907.]

Judgment against the plaintiff in error (who was defendant below) was recovered in a State Circuit Court in Indiana, which was affirmed by the Supreme Court of the State, (164 Ind. 37,) and the plaintiff in error brings the case here to review that judgment. The predecessor of the defendant in error, being at the time Treasurer of Tippecanoe County, in the State of Indiana, brought this action in 1897 against the plaintiff in error to subject funds in his hands to the payment of taxes alleged to be due from the estate of one Job M. Nash, deceased, which taxes had been assessed in above county and State in 1894, after the death of Nash, on personal property of the deceased that had been omitted from the tax list in his lifetime, during the years 1881 to 1893, both inclusive.

The point in dispute between the parties relates to the assessment for omitted property on what are called the "Ohio notes," the plaintiff in error insisting that such assessment was illegal as beyond the jurisdiction of the State to impose.

The material facts are not really in dispute. It appears that Nash died in 1893, at that time, and for more than twenty years prior thereto, a resident of the city and State of New York. He left a will which was admitted to probate in Hamilton County, Ohio, and his executors qualified there. They thereafter refused to pay the tax imposed upon the Ohio notes in Indiana. By the terms of the will a trust was created, and part of the personal property constituting such trust (more than enough to pay the taxes in dispute) was turned over to James Buck, plaintiff in error and one of the two trustees named in the will. He resided in Lafayette, in the State of Indiana, and the other trustee resided in Cincinnati, in the State of Ohio. From this fund, in the hands of Buck, the defendant in error asked to have the taxes paid which had been assessed, as above stated, and which he claimed were due the State. This was refused, and this action was thereupon commenced.

A former action had been brought by the trustees for relief by injunction against the predecessor of the defendant in error to enjoin him from seizing upon or interfering with the trust fund for the payment of the taxes in dispute, and in that action the trustees had been unsuccessful. (*Buck* v. *Miller*, 147 Ind. 586, decided in 1896.)

The amount assessed on the estate of decedent upon the "Ohio notes" from 1884 to 1893, on account of omitted assessments during those years, aside from the penalties for non-payment, was $36,357.71.

During the above-mentioned years, while the decedent was, as stated, a resident of the State of New York, he had a large sum of money invested in the States of Ohio and Indiana, approximating $750,000. The money loaned by him in Ohio was evidenced by Ohio notes, made by the borrowers, who were residents of Ohio, the payment of the money borrowed being secured by mortgages on lands situated in Ohio. The moneys loaned in Ohio were loaned through an agent of Mr. Nash, residing in Cincinnati. The notes were dated and payable in Cincinnati, to the order of Mr. Nash, but were not endorsed by him, and all renewals and payments on account of them were made to his agent in Cincinnati. All moneys paid upon or by reason of these notes were deposited in a bank in Cincinnati to the credit of Mr. Nash, and no part thereof was sent to Indiana. The Cincinnati agent commenced loaning decedent's money about 1860, and, upon the removal of decedent to New York in 1870, and until his death, in 1893, the agent made investments on decedent's behalf in Ohio, collected the principal and interest upon his mortgage loans and had general charge of his financial interests in that State.

James Buck was the agent of decedent at Lafayette, in the State of Indiana, for many years preceding the death of Mr. Nash. The Ohio notes were sent to him from Cincinnati by the agent there, during the years in question, together with the mortgages securing the payment of the notes, and they were kept in a safe at Lafayette, Indiana, by Mr. Buck, but no business was transacted in regard to them nor any use made of them in Indiana, otherwise than that a short time before the interest on or principlal of the notes became due they were sent to the Ohio agent to have the interest payments made to him endorsed upon them, or to be delivered up if the principal were paid.

Nothing else was done in Indiana in regard to the notes, except that a few days prior to the 1st day of April in each year (which is the day upon which assessments for taxes are, by law, made in the State of Indiana) Mr. Buck sent the notes and mortgages to the Ohio agent, and a few days subsequent to that day in each year the same were returned by the Ohio agent to Mr. Buck, who retained them in his possession.

When the Ohio notes and mortgages were sent from Cincinnati to Mr. Buck by the Ohio agent, Mr. Buck made a record of their receipt in a book kept by him for that purpose, showing the dates and amounts of the notes and when due, and whenever payment or renewal of said notes was reported by the Ohio agent to the Indiana agent, he made entries of the facts in the register kept by him.

Mr. Buck also had possession of the notes and mortgages given to Mr. Nash for moneys loaned in the State of Indiana, and such moneys were invested and reinvested in that State during these years, and the taxes thereon were duly paid.

Mr. Buck transacted no business directly with the makers of the Ohio notes or mortgages but, as stated, sent the notes to the Ohio agent for any business to be done in regard to them.

During Mr. Buck's agency money was sometimes sent to him at Lafayette from Cincinnati to be invested, which money was placed on deposit in the bank in Indiana and loaned for Mr. Nash. Such moneys have nothing to do with the "Ohio notes" in issue in this action.

During these years, at least from 1886, Mr. Buck was authorized by virtue of a power of attorney from Mr. Nash to satisfy when due and when the money was paid all notes and mortgages, but so far as the Ohio notes and mortgages were concerned he never assumed to satisfy any of them or receive payment for the same. That was all done by the Ohio agent at Cincinnati.

Mr. Justice PECKHAM, after making the foregoing statement, delivered the opinion of the Court.

The only question involved here is in regard to the taxability of the Ohio notes in the State of Indiana.

The plaintiff in error asserts that the simple physical presence of the Ohio notes in Indiana payable to and not endorsed by the decedent, did not constitute taxable property there, because such notes were given and were payable and were paid in Ohio by residents of Ohio, and to a non-resident of Indiana, and for loans made in Ohio, the capital represented by such notes never having been used in business in Indiana, and he insists that a tax upon such capital or upon the notes themselves as representing that capital, is an illegal tax and that to take property in payment of such an illegal tax, is to take it without due process of law and constitutes a violation of the Fourteenth Amendment.

If the facts in this case constituted the debts evidenced by the Ohio notes property in the jurisdiction of the State of Indiana at the time when such taxes were imposed, then the tax was valid, if there were statutory authority of that State for the same. The State court has held that there

was such authority, (*Buck* v. *Miller*, 147 Ind. 586; *Buck* v. *Beach*, 164 Ind. 37, being the case at bar,) and that construction of the statute concludes this court. (*Delaware &c. Co.* v. *Pennsylvania*, 198 U. S. 341, 352.)

The sole question then for this court is whether the mere presence of the notes in Indiana constituted the debts of which the notes were the written evidence, property within the jurisdiction of that State, so that such debts could be therein taxed.

Generally, property in order to be the subject of taxation must be within the jurisdiction of the power assuming to tax. (*State Tax on Foreign-held Bonds*, 15 Wall. 300; *Erie Railroad* v. *Pennsylvania*, 153 U. S. 628, 646; *Savings Society* v. *Multnomah County*, 169 Id. 421, 427; *Louisville &c.* v. *Kentucky*, 188 Id. 385; *Delaware &c.* v. *Pennsylvania*, 198 Id. 342; *Union Transit Co.* v. *Kentucky*, 199 Id. 194; *Metropolitan Ins. Co.* v. *New Orleans*, 205 Id. .)

In regard to tangible property the old rule was *mobilia sequunter personam*, by which personal property was supposed to follow the person of its owner, and to be subject to the law of the owner's domicil. For the purpose of taxation, however, it has long been held that personal property may be separated from its owner, and he may be taxed on its account at the place where the property is, although it is not the place of his own domicil, and even if he is not a citizen or resident of the State which imposes the tax. (*Pullman Palace Car Co.* v. *Pennsylvania*, 141 U. S. 18, 22; *Tappan* v. *Merchants' National Bank*, 19 Wall. 490; *People, ex rel. Hoyt* v. *The Commissioner of Taxes*, 23 N. Y. 224, 240.) The same rule applies to intangible property. Generally speaking, intangible property in the nature of a debt may be regarded, for the purposes of taxation, as situated at the domicil of the creditor and within the jurisdiction of the State where he has such domicil. It is property within that State. Thus it has been held that a debt owned by a citizen of one State against a citizen of another State and evidenced by the bond of the debtor, secured by a deed of trust or mortgage upon real estate situated in the State where the debtor resides, is properly taxed by the State of the residence of the creditor, if the statute of that State so provides, and such tax violates no provision of the Federal Constitution. *Kirtland* v. *Hotchkiss*, 100 U. S. 491, 498.)

Rejecting the fiction of law in regard to the situs of personal property, including therein choses in action, the courts of Indiana have asserted jurisdiction by reason of the statute of that State over these Ohio notes for the purpose of taxation in Indiana, founded upon the simple fact that such notes were placed in the latter State by the Ohio agent of the decedent under the circumstances above set forth. The Supreme Court of Indiana refused to accept the testimony of the agents that the Ohio notes were sent

to Lafayette merely for safe keeping, and for clerical convenience, and said that "the court below was authorized to make the opposite deduction from the uniform course of the business in respect to the keeping of said notes and mortgages and from the evidence that decedent gave the direction which established the practice that was pursued in that particular. More than that, the evidence clearly warranted the conclusion that Buck was vested with a control of said notes and securities for the purposes of enabling decedent to escape taxation in Ohio. We must, therefore, conclude, in support of the general finding, that the court below found that in the conducting of the business of the Ohio agency the decedent separated from said business the possession of said notes and mortgages and vested the right to such possession in said Buck. There was no return for taxation of said notes, or of the investments represented by them, either in Ohio or in New York during the lifetime of the decedent."

Taking this to be a finding of fact by the Supreme Court of the State, it is plain that the action of the decedent in sending the Ohio notes into the State of Indiana for the purpose stated, (whether successful or not,) was improper and unjustifiable. The record does show, however, that the executors subsequently paid the Ohio authorities over $40,000 for taxes on the moneys invested in Ohio.

But an attempt to escape proper taxation in Ohio does not confer jurisdiction to tax property asserted to be in Indiana, which really lies outside and beyond the jusisdiction of that State. Jurisdiction of the State of Indiana to tax is not conferred or strengthened by reason of the motive which may have prompted the decedent to send into the State of Indiana these evidences of debts owing him by residents of Ohio. The question still remains, was there any property within the jurisdiction of the State of Indiana, so as to permit that State to tax it, simply because of the presence of the Ohio notes in that State? It was not the value of the paper as a tangible thing, on which these promises to pay the debts existing in Ohio were written, that was taxed by that State. The property really taxed was the debt itself, as each separate note was taxed at the full amount of the debt named therein or due thereon. And jurisdiction over these debts for the purpose of taxation was asserted and exercised solely by reason of the physical presence in Indiana of the notes themselves, although they were only written evidence of the existence of the debts which were in fact thereby taxed.

A distinction has been sometimes taken between bonds and other specialty debts belonging to the deceased, on the one hand, and simple contract debts on the other, for the purpose of probate jurisdiction, and the probate court, where the bonds are found, has been held to have jurisdiction to grant probate, while in the other class of debts (including promis-

sory notes) jurisdiction has attached to the probate court where the debtor resided at the death of the creditor. (1 Williams on Executors, 6th Am. from 7th English ed., bottom paging 288, 290, note [*h*]; *Wyman* v. *Halstead Adm'r.*, 109 U. S. 654.) See also *Beers* v. *Shannon*, (73 N. Y. 292, 299); *Owen* v. *Miller*, (10 Ohio State, 136.)

Under such rule, the debts here in question were not property within the State of Indiana, nor were the promissory notes themselves, which were only evidence of such debts. The rule giving jurisdiction where the specialty may be found, has no application to a promissory note. Assuming such a rule, the case here is not covered by it.

Questions of the validity of State taxation with reference to the Federal Constitution have become quite frequent in this court within the last few years. The case of *Metropolitan Life Insurance Company* v. *The City of New Orleans*, (205 U. S. ,) is the latest. The question there was in relation to the validity of certain taxes assessed in the city of New Orleans against the Metropolitan Life Insurance Company by reason of the company doing business in lending money to the holders of its policies in New Orleans. The domicile of the company was in the city of New York, and the evidences of the credits, in the form of notes, were kept most of the time in New York, being sent to New Orleans when due. The tax was, under the laws of the State of Louisiana, levied on the "credits, money loaned, bills receivable," &c., of the plaintiff in error and its amount was ascertained by computing the sum of the face value of all the notes held by the company in New Orleans at the time of the assessment. The assessment was made under an act which provided that "bills receivable, obligations, or credits arising from the business done in this State," shall be assessable at the business domicile of the non-resident, the assessment being made in such a way under the statute as would "represent in their aggregate a fair average on the capital, both cash and credits, employed in the business of the party or parties to be assessed." The tax was sustained because, as is stated in the opinion of the court, which was delivered by Mr. Justice Moody, "the insurance company chose to enter into the business of lending money within the State of Louisiana, and employed a local agent to conduct that business. It was conducted under the laws of the State. The State undertook to tax the capital employed in the business precisely as it taxed the capital of its own citizens in like situation. For the purpose of arriving at the amount of capital actually employed, it caused the credits arising out of the business to be assessed. We think the State had the power to do this, and that the foreigner doing business cannot escape taxation upon his capital by removing temporarily from the State evidences of credits in the form of notes. Under such circumstances, they have a taxable situs in the

State of their origin." The temporary absence of the notes, given for the loans, from the State, (being in New York, the domicile of the company,) except when they became due, was regarded as unimportant. The law, it was said, regarded the place of their origin as their true home, to which they would return to be paid, and their temporary absence, however long continued, was left out of account.

The prior cases of *New Orleans* v. *Stempel,* (175 U. S. 309,) and *Board of Assessors* v. *Comptoir National,* (191 U. S. 388,) were also cited. In the first there was a tax on credits, evidenced by notes, (secured by mortgages on real estate in New Orleans) which the owner a non-resident, who had inherited them, left in Louisiana in the possession of an agent, who collected the principal and interest as they became due. The capital of the owner was thus invested in the State, and was thereby subject to taxation there, and the notes did not alter the nature of the debt, but were merely evidence of it. In the latter case a foreign banking company did business in New Orleans, and through an agent lent money which was evidenced by checks drawn upon the agent, treated as overdrafts and secured by collateral, the checks and collateral remaining in the hands of the agent until the transactions were closed. The credits thus evidenced were held taxable in Louisiana. The corporation was held to be doing business and had capital employed in the city of New Orleans, to the extent of the assessment made upon it therein.

In *Bristol* v. *Washington County,* (177 U. S. 133,) the assessment was upheld because it appeared that the person assessed was doing business in Minnesota through an agent, in lending money in that State, which was secured by mortgages on real property therein. The amount of money thus invested in that State was held to be properly taxable therein.

In *Savings & Loan Society* v. *Multnomah County,* (169 U. S. 421,) the assessment was upon the real estate mortgaged, the interest of the mortgagee therein being taxed to him and the rest to the mortgagor, and it was held by this court that the fact that the mortgage was owned by a citizen of another State, and in his possession outside of the State of Oregon, where the real estate was situated, did not violate the Fourteenth Amendment. It was stated that "The State may tax real estate mortgaged, as it may all other property within its jurisdiction, at its full value. It may do this, either by taxing the whole to the mortgagor, or by taxing to the mortgagee the interest therein represented by the mortgage, and to the mortgagor the remaining interest in the land. And it may, for the purposes of taxation, either treat the mortgage debt as personal property, to be taxed like other choses in action, to the creditor at his domicile; or treat the mortgagee's interest in the land as real estate, to be taxed to him, like other real property at its *situs.*" Under the statute of Oregon the assessment was made against the mortgagee upon his interest in the land as real estate.

There are no cases in this court where an assessment such as the one before us has been involved. We have not had a case where neither the party assessed nor the debtor was a resident of or present in the State where the tax was imposed, and where no business was done therein by the owner of the notes or his agent relating in any way to the capital evidenced by the notes assessed for taxation. We cannot assent to the doctrine that the mere presence of evidences of debt, such as these notes, under the circumstances already stated, amounts to the presence of property within the State for taxation. That promissory notes may be the subject of larceny, as stated in 48 N. Y. cited below, does not make the debts evidenced by them, property liable to taxation within the State where there is no other fact than the presence of the notes upon which to base the claim.

In *People* v. *The Board of Trustees, &c.*, (48 N. Y. 390,) it was held that money due upon a contract for the sale of land was personal property, and that where such contract belonging to a non-resident was in the hands of a resident agent, it might, for the purposes of municipal taxation, be assessed to the agent and taxed. In the opinion Judge Earl said: "The debts due upon these contracts are personal estate, the same as if they were due upon notes or bonds; and such personal estate may be said to exist where the obligations for payment are held." The contracts spoken of in that case were contracts for the sale of land by a non-resident owner to persons within the county where the lands were situated. The debtors resided within the State, and the agent of the non-resident for the sale of the land resided in the State and had possession of the contracts. A different case as to its facts from the one before us.

In *People* v. *Smith*, (88 N. Y. 576,) jurisdiction to tax in New York was denied under the statute of that State, because the personal estate was not within the State, although the same principle (page 581) as contained in 48 N. Y., *supra* was asserted.

If payment of these notes had to be enforced it would not be to the courts of Indiana that the owner would resort. He would have to go to Ohio to find the debtor as well as the lands mortgaged as security for the payment of the notes. It is true that if the notes were stolen while in Indiana, and they were therein a subject of larceny, the Indiana courts would have to be resorted to for the punishment of the thieves. That would be in vindication of the general criminal justice of the State. This consideration, however, is not near enough to the question involved to cause us to change our views of the law in regard to the taxation of property, and make that property within the State, which we think is clearly outside it.

Although public securities, consisting of State bonds and bonds of municipal bodies, and circulating notes of banking institutions have some-

times been treated as property in the place where they were found, though removed from the domicile of the owner, (*State Tax on Foreign-held Bonds*, 15 Wall. 300, 324,) it has not been held in this court that simple contract debts, though evidenced by promissory notes, can under the facts herein stated be treated as property and taxed in the State where the notes may be found.

As is said in the above cited case (at page 320): "All the property there can be in the nature of things in debts of corporations, belongs to the creditors, to whom they are payable, and follows their domicile, wherever that may be. Their debts can have no locality separate from the parties to whom they are due. This principle might be stated in many different ways, and supported by citations from numerous adjudications, but no number of authorities, and no forms of expressions could add anything to its obvious truth, which is recognized upon its simple statement."

The cases cited in *Metropolitan Insurance Co. case, supra*, show that this rule is enlarged to the extent of holding that capital, evidenced by written instruments, invested in a State may be taxed by the authorities of the State, although their owner is a non-resident and such evidences of debt are temporarily outside of the State when the assessment is made. Although the language of the opinion in the case of *State Tax on Foreign held Bonds, supra*, has been somewhat restricted so far as regards the character of the interest of the mortgagee in the land mortgaged, (*Savings &c. Society* v. *Multnomah County*, 169 U. S. 421, 428,) the principle upon which the case itself was decided has not been otherwise shaken by the later cases. (*New Orleans* v. *Stempel*, 175 Id. 309, 319, 320; *Blackstone* v. *Miller*, 188 Id. 189, 206.) In the *Stempel case, supra*, the notes, as we have said, represented the capital of the owner invested in the State, and the capital was taxed, although the owner was a non-resident.

Cases arising under collateral inheritance tax or succession tax acts have been cited as affording foundation for the right to tax as herein asserted. The foundation upon which such acts rest is different from that which exists where the assessment is levied upon property. The succession or inheritance tax is not a tax on property, as has been frequently held by this court, (*Knowlton* v. *Moore*, 178 U. S. 41, and *Blackstone* v. *Miller*, 188 U. S. 189,) and therefore the decisions arising under such inheritance tax cases are not in point.

Our decision in this case has no tendency to aid the owner of taxable property in any effort to avoid or evade proper and legitimate taxation. The presence of the notes in Indiana formed no bar to the right, if it otherwise existed, of taxing the debts, evidenced by the notes, in Ohio. It does, however, tend to prevent the taxation in one State of property in the shape of debts not existing there and which if so taxed would make

double taxation almost sure, which is certainly not to be desired and ought, wherever possible, to be prevented.

For the reason that as the assessment in this case was made upon property which was never within the jurisdiction of the State of Indiana the State had no power to tax it, and the enforcement of such a tax would be the taking of property without due process of law.

The judgment of the Supreme Court of Indiana is reversed and the case remanded for further proceedings not inconsistent with the opinion of this court.

Reversed.

True copy.

Test:

Clerk Supreme Court, U. S.

Supreme Court of the United States.

No. 14.—October Term, 1906.

James Buck, Trustee under the will of Job M. Nash, deceased, Plaintiff in Error, *vs.* William E. Beach, Treasurer of Tippecanoe County, Indiana.	In error to the Supreme Court of the State of Indiana.

[May 27, 1907.]

Mr. Justice Day, dissenting.

I am unable to concur in the opinion and judgment of the court in this case and believe that its importance and far-reaching effect warrant a statement of the grounds upon which I differ.

Before stating the view which it seems to me should be controlling I believe that the statement of facts, as outlined by the learned Justice speaking for the court, should be somewhat amplified with a view to a more complete showing of the case.

The office in Lafayette, Indiana, was the office of Nash, for which he paid the rent. The safes in which the notes were kept in this office were the safes of Nash, and the power of attorney under which the agent held the "Ohio notes" not only authorized him to enter satisfaction of them when paid, but gave him complete control and dominion over them with power of sale. And while it does not clearly appear that the proceeds of the notes in question were reinvested by the agent in Indiana, it does appear that after 1886 large sums of money were sent from Cincinnati to Lafayette and were invested by Nash's agent in Indiana. Furthermore, in the opinion it is said that the executors, subsequently to the death of Nash, paid over $40,000 of taxes on money invested in Ohio. It does appear that after the death of Nash, under the Ohio law the auditor of Hamilton County instituted a proceeding for the collection of five years (of the thirteen here involved) of back taxes upon some of the notes representing the Ohio investments, and rather than litigate, a settlement was made by the executors for this five years' claim in the sum of $40,000. Whether that was for the notes here in question the record does not disclose. As the Ohio agent testified, only a part of the Ohio notes were

sent to Indiana, and others in large amounts were kept in Ohio. We know of no statute in Ohio which would tax the notes permanently kept in Indiana, and none is pointed out. The Supreme Court of Indiana in this case reached the conclusion that these particular notes were not taxable in Ohio. Of course the settlement of the claim could not affect the legal proposition here involved, but for accuracy of statement it must not be regarded that equitably the claim for taxes upon these notes has been satisfied. On the contrary, this record discloses that by the scheme adopted more than three-quarters of a million of dollars in capital invested in notes and mortgages successfully evaded taxes during Nash's lifetime in New York, where he was domiciled, and in Ohio and Indiana, where his agents were loaning his money for him and where his notes and mortgages, the results of such loans, were held for him.

Accepting the decision of the Supreme Court of the State that a statute of the State has undertaken to tax these notes, it is now held that the Constitution of the United States prevents such taxation of notes and mortgages held under the protection and within the power of the State by the agent of a non-resident owner, although such agent holds the securities in an office belonging to the owner, in a safe provided by him, with a power of attorney which gives him full dominion over them, and for the convenience of the owner keeps a book in which transactions concerning them are recorded at the instance of the owner, and sends them out for collection. These notes were sent beyond the borders of the State of Indiana only for collection, or for the few days when they were supposed to be liable for taxation, and, when such danger was thought to be past, returned to the agent in Indiana.

I agree that a debt intangible in form cannot acquire a situs for the purpose of taxation, but I submit that when a debt takes the shape of note and mortgage it may, if the State in the exercise of its taxing power so wills, acquire a situs separate from the domicile of the owner under the circumstances shown in this case. I concede that the precise point here involved has not been decided in previous cases in this court, but in my view the principles declared in this court were followed in the Supreme Court of Indiana and require the affirmance of its judgment.

This court in a series of cases has held that notes, bonds and mortgages may acquire a situs at the place where they are held. Some of the cases are: *New Orleans* v. *Stemple*, 176 U. S. 309; *Bristol* v. *Washington County*, 177 U. S. 133; *Blackstone* v. *Miller*, 188 U. S. 189; *Board of Assessors* v. *Comptoir National*, 191 U. S. 388, 403; *Carstairs* v. *Cochran*, 193 U. S. 10; *Scottish Union & Nat. Ins. Co.* v. *Bowland*, 196 U. S. 611.

It would unnecessarily extend this dissent to analyze these cases. Brief reference to some of them, in my judgment, shows that the principles therein declared, when extended to this case, would warrant the State, if it so chose

in exerting its taxing power, to reach notes and mortgages held within its jurisdiction under the circumstances which we have detailed.

In *New Orleans* v. *Stemple*, 175 U. S., a tax on credits evidenced by notes and secured by mortgages was upheld, where the owner left them in Louisiana in the possession of an agent who collected the same as they fell due. There was no fact of investment and reinvestment of capital in the case, and the court, speaking through Mr. Justice Brewer, said:

"This matter of situs may be regarded in another aspect. In the absence of statute, bills and notes are treated as choses in action and are not subject to levy and sale on execution, but by the statutes of many States they are made so subject to seizure and sale as any tangible personal property. 1 Freeman on Executions, sec. 112; 4 Am. and Eng. E. of L. 2d ed. 282; 11 Am. and Eng. E. of L. 2d ed. 623. Among the States referred to in these authorities as having statutes warranting such levy and sale are California, Indiana, Kentucky, New York, Tennessee, Iowa, and Louisiana. *Brown* v. *Anderson*, 4 Martin, (N. S.) 416, affirmed the rightfulness of such a levy and sale. In *Fluker* v. *Bullard*, 2 La. Ann. 338, it was held that if a note was not taken into the actual possession of the sheriff a sale by him on an execution conveyed no title on the purchaser, the court saying: 'In the case of *Simpson* v. *Allain* it was held that, in order to make a valid seizure of tangible property, it is necessary that the sheriff should take the property levied upon into actual possession.' 7 Rob. 504. In the case of *Gobeau* v. *New Orleans & Nashville Railroad Company* the same doctrine is still more distinctly announced. The court there says: 'From all the different provisions of our laws above referred to, can it be controverted that, in order to have them carried into effect, the sheriff must necessarily take the property seized into his possession? This is the essence of the seizure. It cannot exist without such possession.' 6 Rob. 348. It is clear, under these authorities, that the sheriff effected no seizure of the note in controversy, and consequently his subsequent adjudication of it conferred no title on Bailey.

"The same doctrine was reaffirmed in *Stocto* v. *Stanbrough*, 3 La. Ann. 390. Now if property can have such a situs within the State as to be subject to seizure and sale on execution, it would seem to follow that the State has power to establish a like situs within the State for the purposes of taxation. It has also been held that a note may be made the subject of seizure and delivery in a replevin suit. *Graff* v. *Shannon*, 7 Iowa, 508; *Smith* v. *Eals*, 81 Iowa, 235; *Pritchard* v. *Norwood*, 155 Mass. 539.

"It is well settled that bank bills and municipal bonds are in such a concrete tangible form that they are subject to taxation where found, irrespective of the domicile of the owner, are subject to levy and sale on execution and to seizure and delivery upon replevin; and, yet, they are but promises to pay, evidences of existing indebtedness. *Notes and mortgages are of the same nature; and, while they may not have become so generally recognized as tangible personal property, yet they have such a concrete form that we see no reason why a State may not declare that, if found within its limits, they shall be subject to taxation.*"

In commenting on this case and *State Assessors* v. *Comptoire National etc.*, 191 U. S. 388, Mr. Justice Moody, speaking for the court in the late case of *Metropolitan Life Ins. Co.* v. *New Orleans*, 205 U. S., said: "In

both of these cases the written evidences of the credits were continuously present in the State, and their presence was clearly the dominant factor in the decisions."

In *Blackstone* v. *Miller*, 188 U. S. 206, Mr. Justice Holmes, speaking for the court, said:

"There is no conflict between our views and the point decided in the case reported under the name of *State Tax on Foreign-Held Bonds*, 15 Wall, 300, 21 L. ed. 179. The taxation in that case was on the interest on bonds held out of the State. *Bonds and negotiable instruments are more than merely evidences of debt.* The debt is inseparable from the paper which declares and constitutes it by a tradition which comes down from more archaic conditions. 177 Mass. 335, 337."

To the consideration of the subject in the opinions of the learned Justices just quoted, it may be added that bills and notes are the subject of conversion in trover, and the measure of damages is the collectible value of the obligation. *Mercer* v *Jones*, 3 Camp. 477; 2 Ames on Bills and Notes, p. 693, and numerous cases there cited. Bills and notes may be the subject of *donatio causa mortis*, even though payable to order and unendorsed. 2 Ames' Bills and Notes, 699–701. They are held to be governed by the designation of "goods and chattels" in the statute of frauds and other statutes. 2 Ames' Bills and Notes, 706.

Bills and notes have been held to be "goods, wares and merchandise" within the meaning of the statute of frauds. *Baldwin* v. *Williams*, 3 Met. 365; *Somerby* v. *Buntin*, 118 Mass. 279.

In view of this recognition of the character of bills and notes as tangible property, it seems to me inaccurate to say that they are mere evidences of debt. They are tangible things, capable of delivery; passing from hand to hand and for many purposes may be regarded as of the value of the debt which they evidence.

It is elementary that the power of the States as to matters of taxation is very broad, and subject only in the limitation of its exercise to the constitution of the State and the Nation.

It seems to me that a State, in pursuance of its taxing policy, may give a situs to such evidences of debt held within its jurisdiction as have taken the tangible form of bonds, notes and mortgages.

It is said to deny this power to the States, under the circumstances of this case, will tend to prevent double taxation—a thing much to be desired. This case seems to me an apt illustration of the contrary view, by denying the power to Indiana to tax these notes under the circumstances shown, the scheme of the owner to avoid any tax upon them is made effectual, and, except for the recovery after his death for a small part of the taxes actually due, this vast sum of money escapes taxation altogether. I think

that the powers of taxation here invoked by the State of Indiana ought not to be denied, and if the practical effect can be given any weight in deciding legal rights, to me it seems evident that such denial will work immunity from just taxation of property represented in promissory notes and mortgages sent beyond the jurisdiction of the State where the owner is domiciled and held by agents in distant States within the protection of their laws, for the sole purpose of avoiding contribution to the public treasury. As I understand the opinion, municipal bonds, or other such securities held as these are, would be legitimately subject to taxation. They are but promises to pay in a concrete form of the same character as notes and mortgages. In my opinion there is no constitutional objection to their localization for taxation by the law of the State when the owner has chosen to give them a situs there as in this case.

Without further extending these views, I am constrained to dissent from the opinion and judgment of the court in this case.

Mr. Justice BREWER concurs in this dissent.

True copy.

Test:

Clerk Supreme Court, U. S.